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ONTARIO

# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Eleventh and Twelfth Years of the Reign of  
Her Majesty  
QUEEN ELIZABETH II

Being the Fourth Session of the Twenty-Sixth  
Legislature of Ontario

CONVENED ON THE 27<sup>TH</sup> DAY OF NOVEMBER, 1962, AND  
PROROGUED ON THE 26<sup>TH</sup> DAY OF APRIL, 1963

---

HIS HONOUR JOHN KEILLER MACKAY  
LIEUTENANT GOVERNOR

---

TORONTO  
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1963



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ONTARIO

# 11-12 ELIZABETH II

## CHAPTER 1

### An Act to provide for the Rehabilitation and Development of Agricultural Lands in Rural Areas in Ontario

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

**Interpre-  
tation**

- (a) "Directorate" means the Agricultural Rehabilitation and Development Directorate of Ontario;
- (b) "Minister" means the Minister of Agriculture;
- (c) "project" means a project for,
  - (i) the more efficient use and economic development of lands,
  - (ii) the development of income and employment opportunities in rural areas and improving standards of living in those areas, or
  - (iii) the development and conservation for agricultural purposes of water supplies and for soil improvement and conservation that will improve agricultural efficiency;
- (d) "research programme" means a programme of research and investigation respecting,
  - (i) the more effective use and economic development of lands,
  - (ii) the development of income and employment opportunities in rural areas and the improvement of standards of living in those areas, and

- (iii) the development and conservation for agricultural purposes of water supplies and for soil improvement and conservation;

(e) "Treasurer" means the Treasurer of Ontario.

Agricultural  
Rehabilita-  
tion and  
Development  
Directorate  
of Ontario

**2.**—(1) There shall be a directorate to be known as the "Agricultural Rehabilitation and Development Directorate of Ontario", which shall be a body corporate and shall be responsible to the Minister.

Composition  
of  
Directorate

(2) The Directorate shall consist of three or more members appointed by the Lieutenant Governor in Council.

Chairman,  
vice-  
chairman

(3) The Lieutenant Governor in Council shall designate one of the members of the Directorate as chairman and one as vice-chairman.

Quorum

(4) A majority of the members of the Directorate constitutes a quorum, whether or not a vacancy exists in the membership of the Directorate.

Officers  
and  
employees

(5) The Lieutenant Governor in Council may appoint such officers, clerks and employees as are necessary for the conduct of the affairs of the Directorate.

Powers of  
Directorate

**3.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Directorate has power,

- (a) to acquire or lease lands for the purpose of projects;
- (b) to equip and develop lands for projects;
- (c) to enter into agreements with persons for use of things or services provided under projects;
- (d) to carry out projects in respect of which agreements have been entered into by the Minister under this Act; and
- (e) to do such acts as are necessary or expedient for the carrying out of its operations and undertakings.

Delegation  
of powers

(2) The Directorate may, in respect of any project, delegate to any department of the Government of Ontario, or to any municipal council, or to any authority under *The Conservation Authorities Act*, or to any board or commission the members of which are appointed by the Lieutenant Governor in Council, any or all of the powers of the Directorate under subsection 1.

R.S.O. 1960,  
c. 62

Power to  
borrow  
money and  
issue  
securities

(3) The Directorate has the power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal

and interest at such time or times and in such manner and in such place or places as the Directorate determines.

(4) The Directorate, in carrying out its objects, has the <sup>Additional powers</sup> powers set out in sections 22 and 288 of *The Corporations Act*. <sup>R.S.O. 1960, c. 71</sup>

4.—(1) The Lieutenant Governor in Council may authorize <sup>Provincial guarantee</sup> the Treasurer for and on behalf of Ontario to guarantee the payment of any securities issued by the Directorate, the repayment of any advances made by chartered banks to the Directorate and the payment of any other indebtedness incurred by the Directorate.

(2) The form of any such guaranty and the manner of its <sup>Form of guaranty</sup> execution shall be determined by the Lieutenant Governor in Council.

5. All moneys received by the Directorate from the opera- <sup>Application of moneys</sup> tion of its undertakings or otherwise shall be applied to,

(a) operating expenses;

(b) payment of interest on indebtedness; and

(c) a sinking fund established by the Treasurer for the repayment of securities guaranteed by the Treasurer under subsection 1 of section 4 and for the retirement of any other indebtedness of the Directorate,

and any surplus moneys remaining in any year after paying operating expenses and interest on indebtedness and repaying any part of the principal moneys payable in that year shall be used for reducing the cost of operating the projects or any of them, reducing the fees, rents or other charges charged or made by the Directorate or setting up of such reserve funds as the Directorate determines.

6. The fiscal year of the Directorate commences on the 1st <sup>Fiscal year</sup> day of April in each year and ends on the 31st day of March in the following year.

7.—(1) The Directorate shall make a report annually to <sup>Annual report</sup> the Minister, including a report on all projects of the Directorate and the operations thereof and a financial statement certified by the Provincial Auditor and such other matters relating to the work of the Directorate as the Minister requires.

(2) A copy of the report shall be filed with the Minister <sup>Tabling</sup> who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

## Audit

8. The accounts and financial transactions of the Directorate shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Directorate and to the Treasurer.

Agreement with Canada for efficient use and economic development of lands

9.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada providing for,

- (a) the undertaking jointly by the Government of Ontario or any agency thereof with Canada of projects for the more efficient use and economic development of lands specified in the agreement; or
- (b) the payment to Ontario of contributions in respect of the cost of such projects undertaken by Ontario or any agency thereof.

Programmes of research and investigation

(2) The Minister may cause to be prepared and undertaken directly or in co-operation with Canada programmes of research and investigation respecting the more effective use and economic development of lands in Ontario.

Agreement with Canada for development of income and employment opportunities and for improving standards of living in rural areas

10.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada providing for,

- (a) the undertaking jointly on behalf of the Government of Ontario or any agency thereof with Canada of projects for the development of income and employment opportunities in rural areas specified in the agreement and for improving standards of living in those areas; or
- (b) the payment to Ontario of contributions in respect of the cost of such projects undertaken by Ontario or any agency thereof.

Programmes of research and investigation

(2) For the purpose of assisting the development of income and employment opportunities in rural areas in Ontario and the improvement of standards of living in those areas, the Minister may cause to be prepared and undertaken with Canada programmes of research and investigation, and may co-ordinate such programmes with other similar programmes being undertaken in Ontario.

Agreement with Canada for the development and conservation of water supplies and for soil improvement and conservation

11.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada providing for,

(a)



- (a) the undertaking jointly with Canada of,
  - (i) projects for the development and conservation of water supplies for agricultural purposes, and
  - (ii) projects for soil improvement and conservation that will improve agricultural efficiency in Ontario or in any area thereof specified in the agreement; or
- (b) the repayment to Ontario of contributions in respect of the cost of such projects undertaken by Ontario or any agency thereof.

(2) The Minister may cause to be prepared and undertaken directly or in co-operation with Canada programmes of research and investigation for the development and conservation of water supplies and for soil improvement and conservation in Ontario.

**12.** Every agreement entered into by the Minister shall, Provisions to be included in agreements

- (a) specify the respective proportions of the cost of any project to which the agreement relates that shall be paid by the governments of Canada and of Ontario or the contribution in respect of any such project that shall be paid by Canada;
- (b) specify the authority that shall be responsible for the undertaking, operation and maintenance of any project or any part thereof to which the agreement relates;
- (c) specify the respective proportions of the revenues from any project to which the agreement relates that are to be paid to Canada and to Ontario; and
- (d) specify the terms and conditions as to the operation and maintenance of any project to which the agreement relates and the charges, if any, to be charged to persons to whom any of the benefits of the project are made available.

**13.** The cost of administration of this Act is payable out of the moneys that are appropriated therefor by the Legislature. Cost of administration

Regulations **14.** The Lieutenant Governor in Council may make regulations,

- (a) providing for the establishment of advisory committees and the appointment of the members thereof and the payment of the remuneration and expenses of such members in the carrying out of their duties;
- (b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment **15.** This Act comes into force on the day it receives Royal Assent.

Short title **16.** This Act may be cited as *The Agricultural Rehabilitation and Development Act (Ontario)*, 1962-63.

## CHAPTER 2

**An Act to amend  
The Air Pollution Control Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Air Pollution Control Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 12,  
amended

6a.—(1) In this section,

Interpre-  
tation

- (a) “construct” includes erect, reconstruct, install, alter and repair;
- (b) “industrial source” means any action, operation or treatment embracing chemical, industrial or manufacturing processes that may be a source of an air contaminant, but does not include fuel-burning equipment used solely for the purpose of heating, generating power or processing steam.
- (2) No person shall construct an industrial source to Approval  
of plans which this section is made applicable by the regulations unless the plans and specifications thereof have been approved by the Minister.
- (3) The Minister, with the approval of the Lieutenant Regulations Governor in Council, may make regulations,
  - (a) classifying industrial sources and designating the classes thereof to which this section applies;
  - (b) prohibiting or regulating and controlling the emission of air contaminants from industrial sources;
  - (c) respecting the approval of plans and specifications for industrial sources.

## Conflict

- (4) In the event of conflict between a regulation made under this section and any municipal by-law, the regulation prevails.

Commence-  
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

## Short title

- 3.** This Act may be cited as *The Air Pollution Control Amendment Act, 1962-63*.



## CHAPTER 3

**An Act to amend The Alcoholism and Drug  
Addiction Research Foundation Act, 1949**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Section 11 of *The Alcoholism and Drug Addiction Re-* 1949, c. 4,  
*search Foundation Act, 1949* is repealed and the following <sup>s. 11.</sup> re-enacted  
substituted therefor:

11. There shall be an advisory medical board composed <sup>Advisory  
medical  
board</sup>  
of such duly qualified medical practitioners, scientists  
and other persons as the Foundation, with the  
approval of the Lieutenant Governor in Council,  
may appoint.

2. This Act may be cited as *The Alcoholism and Drug* <sup>Short title</sup>  
*Addiction Research Foundation Amendment Act, 1962-63.*



## CHAPTER 4

## An Act to amend The Apprenticeship Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause i of clause a of section 1 of *The Apprenticeship Act* is amended by striking out "minor" in the second line and inserting in lieu thereof "person", so that the subclause shall read as follows: <sup>R.S.O. 1960, c. 17, s. 1, cl. a, subcl. i, amended</sup>

- (i) in any of the designated trades specified in or added to Schedule A, a person at least sixteen years of age who enters into a contract of service whereby he is to receive from or through his employer in whole or in part training and instruction in such designated trade, and
- . . . . .

2. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

3. This Act may be cited as *The Apprenticeship Amendment Act, 1962-63*. <sup>Short title</sup>



## CHAPTER 5

**The Artificial Insemination of Cattle Act,  
1962-63**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,****Inter-  
pre-  
tation**

- (a) "artificial insemination" means the depositing of semen in the genital tract of a domestic female animal of the bovine species by a means other than the natural method;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "Committee" means The Artificial Insemination of Cattle Advisory Committee;
- (d) "inseminating business" means a business in which one or more inseminators are engaged in artificial insemination;
- (e) "inseminator" means a person who engages in the process of artificial insemination or the collection of semen for purposes of artificial insemination;
- (f) "Minister" means the Minister of Agriculture;
- (g) "regulations" means the regulations made under this Act;
- (h) "semen-producing business" means a business that maintains a bull stud of at least five bulls for the production and sale of semen for the purpose of artificial insemination;
- (i) "veterinarian" means a person registered as a member of the Ontario Veterinary Association under *The Veterinarians Act*. R.S.O. 1960, c. 22, s. 1, <sup>R.S.O. 1960, c. 416</sup> amended.

Commissioner to be in charge

2. The Commissioner is responsible to the Minister for the administration and enforcement of this Act. R.S.O. 1960, c. 22, s. 2.

Appointment of Committee

3.—(1) The Lieutenant Governor in Council may appoint a committee consisting of not fewer than three persons to be known as The Artificial Insemination of Cattle Advisory Committee.

Function of Committee

(2) The Committee shall act in an advisory capacity to the Minister and the Commissioner.

Chairman and vice-chairman

(3) The Lieutenant Governor in Council may designate one of the members as chairman and one member as vice-chairman.

Allowances to members

(4) The members of the Committee shall receive such allowances and expenses as the Lieutenant Governor in Council determines. *New.*

Inspectors

4. The Lieutenant Governor in Council may appoint inspectors to carry out and enforce this Act and the regulations. *New.*

Certificate of appointment

5.—(1) The production by the Commissioner or by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Obstruction of Commissioner or inspector

(2) No person shall hinder or obstruct the Commissioner or an inspector in the course of his duties, or furnish him with false information, or refuse to furnish him with information. *New.*

Licensing

6. No person shall commence or continue to engage in an inseminating business or a semen-producing business without a licence therefor from the Commissioner. *New.*

Idem

7. No person shall commence or continue to act as an inseminator without a licence therefor from the Commissioner. *New.*

Refusal to issue licence

8.—(1) The Commissioner, for any reason that he deems proper after a hearing, may refuse to issue a licence to any person to engage in an inseminating business or a semen-producing business or to act as an inseminator.



(2) Any person to whom the Commissioner has refused to <sup>Appeal</sup> issue a licence under subsection 1 may appeal the decision of the Commissioner to the Minister, who may confirm the decision or require the Commissioner to issue the licence.

(3) The Commissioner, after a hearing, may suspend, cancel <sup>Cancellation, etc., of licence</sup> or refuse to renew a licence of any person who contravenes any of the provisions of this Act or the regulations.

(4) Any person whose licence was not renewed or was <sup>Appeal</sup> suspended or cancelled may appeal the decision of the Commissioner to the Minister, who may confirm the decision of the Commissioner or require the Commissioner to reinstate the licence. *New.*

**9.**—(1) Subject to subsection 2, no person shall engage in <sup>Semen to be obtained from licensed semen-producing business</sup> an inseminating business or act as an inseminator with semen obtained from any source other than a licensed semen-producing business.

(2) Subsection 1 does not apply to,

**Exceptions**

(a) a veterinarian in the normal course of his duties; or

(b) a person who applies for and obtains the written approval of the Commissioner for the use of semen from a source other than a licensed semen-producing business. *New.*

**10.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup> lations,

(a) prescribing the duties of the Committee;

(b) providing for the issue, renewal, cancellation, suspension or revocation of or refusal to issue or renew licences, and prescribing the fees payable for licences or the renewal thereof;

(c) prescribing forms and providing for their use;

(d) prescribing requirements and minimum standards for any semen-producing business or any inseminating business;

(e) prescribing the terms and conditions under which semen may be obtained from any semen-producing business;

(f) prescribing the places at which and the conditions under which semen may be frozen and stored;

(g)

- (g) prescribing the qualifications and duties of inseminators;
- (h) prescribing the powers and duties of the Commissioner and inspectors;
- (i) providing for grants to semen-producing businesses and inseminating businesses and prescribing the terms and conditions upon which such grants may be paid;
- (j) requiring the keeping of prescribed books and records and the furnishing of prescribed information by the operators of semen-producing businesses and inseminating businesses and by inseminators;
- (k) providing for the blood-typing of bulls maintained by a semen-producing business and of bulls from which semen is obtained by a semen-producing business or an inseminating business;
- (l) prescribing health standards of bulls maintained by a semen-producing business and of bulls from which semen is obtained by an inseminating business or a semen-producing business;
- (m) exempting any person or class of persons from any or all of the provisions of this Act or the regulations;
- (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.  
R.S.O. 1960, c. 22, s. 4, *amended*.

#### Offences

**11.** Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200 for a first offence, and to a fine of not less than \$200 and not more than \$500 for a subsequent offence. R.S.O. 1960, c. 22, s. 5, *amended*.

R.S.O. 1960,  
c. 22,  
repealed

**12.** *The Artificial Insemination Act* is repealed.

Commence-  
ment

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** This Act may be cited as *The Artificial Insemination of Cattle Act, 1962-63*.



## CHAPTER 6

**An Act to establish the  
Province of Ontario Council for the Arts**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,****Interpre-  
tation**

(a) "arts" means the arts of the theatre, literature, music, painting, sculpture, architecture or the graphic arts, and includes any other similar creative or interpretative activity;

(b) "Council" means the Province of Ontario Council for the Arts established under this Act;

(c) "Minister" means the Minister of Education.

**2.** A corporation is hereby established, to be known as <sup>Council established</sup> the "Province of Ontario Council for the Arts", consisting of a chairman, a vice-chairman and ten other members.

**3.** The Lieutenant Governor in Council shall appoint the <sup>Appoint-  
ment</sup> chairman, the vice-chairman and the other members of the Council, each of whom shall hold office for a term of three years, except that, of those first appointed, four shall be appointed for a term of one year, four for two years, and four for three years.

**4.** The chairman, the vice-chairman and the other members <sup>Allowances  
and expenses</sup> of the Council may be paid reasonable travelling and living expenses incurred by them while away from their ordinary places of residence on the business of the Council.

**5.** A majority of the members of the Council constitutes a <sup>Quorum</sup> quorum whether or not a vacancy exists in the membership of the Council.

Objects  
and  
powers

**6.** It is the function of the Council and it has power to promote the study and enjoyment of and the production of works in the arts, and to such end may,

- (a) assist, co-operate with and enlist the aid of organizations whose objects are similar to the objects of the Council;
- (b) provide through appropriate organizations or otherwise for grants, scholarships or loans to persons in Ontario for study or research in the arts in Ontario or elsewhere or to persons in other provinces or territories of Canada or any other countries for study or research in the arts in Ontario;
- (c) make awards to persons in Ontario for outstanding accomplishments in the arts.

By-laws

**7.** The Council may make by-laws regulating its proceedings and generally for the conduct and management of its activities.

Meetings

**8.** The Council shall meet at least four times a year in the City of Toronto on such days as are fixed by the Council, and at such other times and places as the Council considers advisable.

Funds

**9.—(1)** The moneys for the purposes of the Council shall be paid out of the moneys that are appropriated therefor by the Legislature.

Idem

(2) The Council may acquire money, securities or other property, real or personal, by gift, devise, bequest or otherwise, and may expend, administer or dispose of any such money, securities or other property in the promotion of its objects, subject to the terms, if any, upon which such money, securities or other property were given, devised, bequeathed or otherwise made payable to the Council.

Investment  
committee

**10.—(1)** The Lieutenant Governor in Council may establish an investment committee composed of the chairman of the Council, a member of the Council designated by the Council and a person appointed by the Lieutenant Governor in Council.

Duties

(2) The investment committee shall aid and advise the Council with respect to the investment of any of its moneys that remain in its hands from time to time.

Audit

**11.** The accounts and financial transactions of the Council shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Council and to the Minister.

**12.** The chairman of the Council shall annually file with the Minister a report upon the affairs of the Council, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

**13.** This Act comes into force on the day it receives Royal Assent.

**14.** This Act may be cited as *The Arts Council Act*, 1962-63.



## CHAPTER 7

## An Act to amend The Assessment Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 23, s. 1,  
amended

(aa) "corporation assessment" means the assessment of land liable to taxation, of which a corporation is the owner or tenant, and business assessment of a corporation, but does not include the assessment of land that is assessed to a person other than a corporation as a tenant.

**2.** Paragraph 6 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 23, s. 4,  
par. 6,  
amended

(a) The exemption from taxation under this paragraph does not apply to lands rented or leased to a seminary of learning mentioned in this paragraph by any person other than another such seminary of learning or a person already exempt from taxation in respect of the property rented or leased. When  
exemption  
not to  
apply

**3.** Section 13 of *The Assessment Act* is amended by striking out "and the effect of such limitation is the responsibility of the municipality and shall be charged to its general funds and not to any body for which the council is required by law to levy and impose taxes and rates" in the eighth, ninth, tenth and eleventh lines, so that the section shall read as follows: R.S.O. 1960,  
c. 23, s. 13,  
amended

**13.** Notwithstanding the other provisions of this Act or any other general or special Act, the total amount of the taxes and rates levied and imposed in any year in respect of the gross receipts of a telephone company in a municipality shall not exceed an amount equal to 5 per cent of the total of the gross Limit of  
taxation  
of gross  
receipts of  
a telephone  
company

receipts



receipts of the company from its business in the municipality for the year ending on the 31st day of December next preceding the assessment.

R.S.O. 1960,  
c. 23, s. 20,  
subs. 2,  
amended

4.—(1) Subsection 2 of section 20 of *The Assessment Act* is amended by adding thereto the following column:

Column 27a.—Corporation assessment, by inserting the letter "C" where applicable.

Duty of  
assessor  
in 1963

(2) The assessor, in the year 1963, shall complete column 27a whether or not the roll has been revised.

R.S.O. 1960,  
c. 23, s. 35,  
subs. 3,  
amended

5.—(1) Subsection 3 of section 35 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1960-61* and subsection 1 of section 4 of *The Assessment Amendment Act, 1961-62*, is further amended by striking out "no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply" in the eighth, ninth and tenth lines and inserting in lieu thereof "in determining such sale value consideration shall not be given to sales of lands and buildings to persons whose principal occupation is other than farming", so that the subsection shall read as follows:

Farm  
lands and  
buildings

(3) For the purposes of subsections 2 and 4, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof or used only for farm purposes by a tenant of such an owner and buildings thereon used solely for farm purposes, including the residence of the owner or tenant and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only, and in determining such sale value consideration shall not be given to sales of lands and buildings to persons whose principal occupation is other than farming.

R.S.O. 1960,  
c. 23, s. 35,  
amended

(2) The said section 35 is amended by adding thereto the following subsection:

Effect of  
assessment  
determined  
on appeal

(3b) When an appeal has been taken in respect of the assessment of farm lands mentioned in subsection 3 from the decision of a court of revision, the assessment as finally determined on appeal shall remain fixed in respect of the same lands and buildings for a period of two years after the year in respect of which such appeal was taken so long as the lands and buildings are owned by a person whose principal occupation is farming.



(3) Subsection 3 of section 35 of *The Assessment Act*, as amended by subsection 1, is effective with respect to assessments made in the year 1962 of lands in respect of which assessment appeals have not been finally determined and with respect to assessments made in subsequent years, and subsection 3b of the said section 35, as enacted by subsection 2, is effective with respect to assessments made in the year 1962 and subsequent years.

Effect of  
R.S.O. 1960,  
c. 23, s. 35,  
subs. 3, 3b

6. Subsection 3 of section 43 of *The Assessment Act* is amended by striking out "locality" in the ninth line and inserting in lieu thereof "vicinity", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 23, s. 43,  
subs. 3,  
amended

(3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied on the assessment for real property that is used as a basis for computing business assessment in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the vicinity and the assessed value of such buildings, would produce.

Annual  
payments to  
municipalities

7.—(1) Subsection 3 of section 46 of *The Assessment Act* is amended by inserting after "hotels" in the fifth line "heating plants" and by adding at the end thereof "but heating plants shall be exempt from assessment to the extent that the amount of steam or heat is used in relation to the cleaning or heating of rolling stock", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 23, s. 46,  
subs. 3,  
amended

(3) Notwithstanding any other provision in this Act, the structures, substructures, superstructures, rails, ties, poles, wires and other property on railway lands and used exclusively for railway purposes or incidental thereto (except stations, freight sheds, offices, warehouses, elevators, hotels, heating plants, roundhouses and machine, repair and other shops) shall not be assessed, but heating plants shall be exempt from assessment to the extent that the amount of steam or heat is used in relation to the cleaning or heating of rolling stock.

Rails, ties,  
poles, sub-  
structures,  
etc., not  
assessable

(2) Subsection 5 of the said section 46 is amended by adding at the end thereof "and except for business assessment in respect of hotels under section 9 and business assessment upon the portion of a heating plant that is in the proportion that the amount of the heat produced by such plant that is

R.S.O. 1960,  
c. 23, s. 46,  
subs. 5,  
amended

sold for the purposes of a hotel or for a purpose not exclusively a railway purpose or incidental thereto bears to the total heat produced by such plant in any year", so that the subsection shall read as follows:

Exemption  
from other  
assessments

- (5) A railway company assessed under this section is exempt from assessment in any other manner for municipal purposes, except for local improvements and except for business assessment in respect of hotels under section 9 and business assessment upon the portion of a heating plant that is in the proportion that the amount of the heat produced by such plant that is sold for the purposes of a hotel or for a purpose not exclusively a railway purpose or incidental thereto bears to the total heat produced by such plant in any year.

Effect

- (3) The provisions of subsections 1 and 2 are effective for the purposes of taxation in the year 1964 and subsequent years.

R.S.O. 1960,  
c. 23, s. 47,  
re-enacted

8. Section 47 of *The Assessment Act* is repealed and the following substituted therefor:

Quinquen-  
nial railway  
assessment

47. When an assessment has been made under section 46, the amount thereof in the roll as finally revised and corrected for the year is the amount for which the company shall be assessed for the next following four years in respect of the land and property included in such assessment, but at any time before the return of the assessment roll in any year,

- (a) the amount may be reduced by deducting therefrom the value of any land or property included in such assessment that has ceased to belong to the company; and
- (b) the amount may be increased by adding thereto the value of any additional land or property not included in such assessment and the value or increase in value of any land or property of the company that is erected, altered or enlarged and the value or increase in value of any land or property or portion thereof that has ceased to be exempt from taxation.

R.S.O. 1960,  
c. 23, s. 72,  
subs. 21,  
amended

9. Subsection 21 of section 72 of *The Assessment Act* is amended by striking out "municipality" in the first line and inserting in lieu thereof "court of revision", so that the subsection shall read as follows:

- (21) The clerk of the court of revision shall forthwith alter and amend the assessment roll in accordance with the decisions of the court of revision, and shall write his name or initials against every alteration or amendment.

Alteration  
of roll  
by clerk

**10.** Subsection 1 of section 93a of *The Assessment Act*, as enacted by section 14 of *The Assessment Amendment Act, 1960-61*, is amended by striking out "with the unanimous assent of the members thereof" in the first and second lines and inserting in lieu thereof "subject to the approval of the Minister", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 23, s. 93a  
(1960-61,  
c. 4, s. 14),  
subs. 1,  
amended

- (1) The council of a county may, subject to the approval of the Minister, pass a by-law appointing a county assessment commissioner who shall have all the powers, duties and privileges under this and every other Act of an assessor, an assessment commissioner or a county assessor in respect of the county and the townships, towns and villages in the county, and who shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities.

County  
assessment  
commis-  
sioner

**11.—(1)** Subsection 3 of section 98 of *The Assessment Act*, as re-enacted by section 11 of *The Assessment Amendment Act, 1961-62*, is amended by inserting after "Ontario" in the eighth line "except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 23, s. 98  
(1961-62,  
c. 6, s. 11),  
subs. 3,  
amended

- (3) Where, in the year preceding the year in which an apportionment is made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, the valuations of the properties for which such payments are made shall be increased or decreased by the same percentage, if any, as the aggregate valuations of such municipality made in that year were increased or decreased under subsection 1 of section 94, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1 of section 94.

Valuations  
on which  
payments  
in lieu of  
taxes paid  
to be added  
to aggregate  
valuations

1943, c. 21



R.S.O. 1960,  
c. 23, s. 98  
(1961-62,  
c. 6, s. 11),  
amended

(2) The said section 98 is amended by adding thereto the following subsection:

Idem

(4) Where payment in lieu of taxes from the Crown in right of Canada has been reduced by deductions made under the *Municipal Grants Act* (Canada), the valuations of the properties for which such payments are made shall, for the purposes of subsection 3, be reduced in the same proportion as the amount of the grants were reduced.

R.S.C. 1952,  
c. 182

R.S.O. 1960,  
c. 23, s. 207,  
amended

**12.** Section 207 of *The Assessment Act* is amended by inserting after "taxes" in the sixth line "or by the limitation of taxation of a telephone company under section 13", so that the section shall read as follows:

Where  
deficiency  
occurs

207. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes and, where any deficiency is caused by the abatement or refund of or inability to collect taxes or by the limitation of taxation of a telephone company under section 13, the council shall charge back a proportionate share thereof to every such body.

Commence-  
ment

**13.—**(1) This Act, except sections 1, 2, 3 and 4, subsection 1 of section 5 and sections 11 and 12, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 5 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

(3) Sections 1, 3, 4 and 11 shall be deemed to have come into force on the 1st day of January, 1963.

Idem

(4) Sections 2 and 12 come into force on the 1st day of January, 1964.

Short title

**14.** This Act may be cited as *The Assessment Amendment Act, 1962-63*.

## CHAPTER 8

**The Boilers and Pressure Vessels Act, 1962-63**

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

1. "boiler" means a fired vessel in which gas or vapour may be generated or a gas, vapour or liquid may be put under pressure by heating, and includes any pipe, fitting and other equipment attached thereto or used in connection therewith, except that, where the expression is used in respect of the approval and registration of its design, "boiler" means a fired vessel in which gas or vapour may be generated or a gas, vapour or liquid may be put under pressure by heating;
2. "certificate of approval" means a certificate issued under this Act for a boiler or pressure vessel not inspected during fabrication or for a plant not inspected during installation;
3. "certificate of competency" means a certificate issued under this Act to a person qualified to inspect boilers, pressure vessels and plants, and includes a renewal thereof;
4. "certificate of inspection" means a certificate issued under this Act in respect of any inspection of a boiler, pressure vessel or plant, and includes a certificate of inspection issued by an insurer;
5. "chief inspector" means the chief inspector designated under this Act;
6. "design", in reference to a boiler, pressure vessel or plant, means its plan or pattern, and includes drawings, specifications and, where required, the calculations and a model;

7. "design pressure" means the maximum pressure that a boiler, pressure vessel or plant is designed to withstand safely when operating normally;
8. "fired vessel" means a vessel that is directly heated by,
  - (a) a flame or the hot gases of combustion,
  - (b) electricity,
  - (c) rays from a radioactive source, or
  - (d) molecular agitation arising from the process of fission;
9. "fitting" means a safety valve, stop valve, automatic stop-and-check valve, a blow-down valve, reducing valve, water gauge, gauge cock, pressure gauge, injector, test cock, fusible plug, regulating or controlling device, and pipe fittings, attached to or used in connection with a boiler, pressure vessel or plant;
10. "inspector" means an inspector appointed under this Act, and includes the chief inspector;
11. "insurer" means a person licensed under *The Insurance Act* to undertake boiler and machinery insurance as defined by that Act;
12. "low pressure boiler" means,
  - (a) a boiler in which gas or vapour is generated and that is intended to be operated or is operated at a gas or vapour pressure of not more than 15 pounds, or
  - (b) a boiler in which a liquid is heated but no gas or vapour is generated and that is intended to be operated or is operated at a liquid pressure of not more than 160 pounds and in which the liquid at the outlet does not exceed 250°F.;
13. "major repairs" means repairs that may affect the strength of a boiler, pressure vessel or plant;
14. "maximum allowable pressure" means the maximum pressure at which a boiler, pressure vessel or plant is permitted to be operated or used under this Act;
15. "Minister" means the Minister of Labour;

R.S.O. 1960,  
c. 190



16. "owner" includes a person for the time being in possession of a boiler, pressure vessel or plant;
17. "periodic inspection" means an inspection made at intervals of other than twelve months;
18. "pipe" means any pipe attached to or connected with a boiler, pressure vessel or plant;
19. "plant" means a system of piping that is used to contain a gas, vapour or liquid under pressure, and includes any boiler or pressure vessel connected thereto;
20. "pressure" means pressure in pounds per square inch measured above prevailing atmospheric pressure;
21. "pressure vessel" means an unfired vessel that may be used for containing, storing, distributing, transferring, distilling, processing or otherwise handling any gas, vapour or liquid under pressure, and includes any pipe, fitting and other equipment attached thereto or used in connection therewith, except that, where the expression is used in respect of the approval and registration of its design, "pressure vessel" means an unfired vessel that may be used for containing, storing, distributing, transferring, distilling, processing or otherwise handling any gas, vapour or liquid under pressure;
22. "regulations" means the regulations made under this Act;
23. "seal" means to take any measures satisfactory to the chief inspector that will effectively prevent the operation or use of a boiler, pressure vessel or plant;
24. "used boiler, pressure vessel or plant" means a boiler, pressure vessel or plant that has been sold or exchanged and that has been moved from its previous site of installation for use elsewhere;
25. "welding" means welding in the fabrication or repair of a boiler, pressure vessel or plant;
26. "welding operator" means a person engaged in welding, either on his own account or in the employ of another person, on the fabrication or repair of boilers, pressure vessels or plants or parts thereof. R.S.O. 1960, c. 37, s. 1, *amended*.

Exemptions  
from Act

2.—(1) This Act does not apply to,

- (a) a boiler used in connection with a hot liquid heating system that has no valves or other obstructions to free circulation between the boiler and an expansion tank that is vented freely to the atmosphere;
- (b) a low pressure boiler having a heating surface of 30 square feet or less;
- (c) a boiler, pressure vessel or plant used exclusively for agricultural purposes;
- (d) a pressure vessel having a capacity of  $1\frac{1}{2}$  cubic feet or less;
- (e) a pressure vessel for permanent use at a pressure of 15 pounds or less;
- (f) a pressure vessel having an internal diameter of 6 inches or less;
- (g) a pressure vessel having an internal diameter of 24 inches or less used for the storage of hot water for domestic use;
- (h) a pressure vessel used exclusively for hydraulic purposes at atmospheric temperature;
- (i) a pressure vessel having an internal diameter of 24 inches or less connected in a water-pumping system containing air that is compressed to serve as a cushion;
- (j) a refrigeration plant having a capacity of three tons or less of refrigeration in twenty-four hours.

Additional  
exemptions

(2) The Lieutenant Governor in Council may exempt any class of boiler, pressure vessel or plant from this Act or the regulations or any provision thereof. R.S.O. 1960, c. 37, s. 2, *amended*.

Inspectors,  
appoint-  
ment

3.—(1) The Lieutenant Governor in Council may appoint inspectors to inspect boilers, pressure vessels and plants under this Act, and may designate one of them as the chief inspector.

Inspectors  
not to have  
interest in  
sale, etc.,  
of boilers,  
etc.

(2) No person shall be appointed or act as an inspector who has any direct or indirect financial interest in boilers, pressure vessels or plants. R.S.O. 1960, c. 37, s. 4, *amended*.

4.—(1) No person shall carry out an inspection of a boiler, pressure vessel or plant for the purposes of this Act who does not hold a certificate of competency. R.S.O. 1960, c. 37, s. 5 (1), *amended*. <sup>Certificate of competency</sup>

(2) Subject to the regulations, every applicant for a certificate of competency shall pass such examinations and tests as the Minister requires. R.S.O. 1960, c. 37, s. 5 (2). <sup>Examinations</sup>

(3) The Minister may suspend, cancel or refuse to renew any certificate of competency for such reasons as are prescribed by the regulations. R.S.O. 1960, c. 37, s. 5 (3), *amended*. <sup>Suspension and cancellation</sup>

5. An inspector in the course of his duties may enter any building or premises where he has reason to believe that a boiler, pressure vessel or plant is being installed, operated or used. R.S.O. 1960, c. 37, s. 7, *amended*. <sup>Right to enter buildings and premises</sup>

6.—(1) No person shall hinder or obstruct an inspector in the performance of his duties under this Act or neglect or refuse to furnish information to an inspector in the performance of his duties or furnish him with false or misleading information. R.S.O. 1960, c. 37, s. 48, *part, amended*. <sup>Obstructing officer, false information, etc.</sup>

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and the carrying out of his duties under this Act. *New*. <sup>Entry, inspection, etc.</sup>

7. The chief inspector may by notice in writing require the attendance before him of any person at the time and place named in the notice and examine such person under oath regarding any matter pertaining to a boiler, pressure vessel or plant or in respect of an accident arising out of its operation or use. R.S.O. 1960, c. 37, s. 8, *amended*. <sup>Power to require attendance and examine under oath</sup>

8. On every annual or periodic inspection of a boiler, pressure vessel or plant, the inspector, <sup>Powers and duties of inspectors on inspection</sup>

- (a) shall satisfy himself that the boiler, pressure vessel or plant is being operated or used and maintained in accordance with this Act and the regulations and that the safety valves have seals and are properly set; and
- (b) shall review the maximum allowable pressure of the boiler, pressure vessel or plant and make any reduction in it for safe operation or use having regard to its design, fabrication, age, condition and use. R.S.O. 1960, c. 37, s. 9, *amended*.

Power to  
require  
owner, etc.,  
to do things  
necessary  
for proper  
inspection

**9.** An inspector may require the owner or other person responsible for or in charge of a boiler, pressure vessel or plant,

- (a) to prepare it for inspection or test in such manner as the inspector requires and to supply water for and to assist in making any test;
- (b) to cut or drill holes in it or to use any other method to enable the inspector to determine its condition and the thickness of the metal;
- (c) to put it under pressure or otherwise put it into operation so that the inspector may test the safety valves or any part of the installation under operating conditions;
- (d) to stop the application of heat to a boiler or to reduce the pressure upon a boiler, pressure vessel or plant to a designated pressure if the inspector has reason to believe that it is in an unsafe condition; and
- (e) to do any other thing the inspector deems necessary, to ensure a proper inspection. R.S.O. 1960, c. 37, s. 11, *amended*.

Safety  
measures  
during  
inspection,  
repair, etc.

**10.** Where during an inspection, repair or the maintenance of a boiler, pressure vessel or plant there is any possibility of any gas, vapour or liquid causing injury to the person inspecting, repairing or maintaining it, the owner or other person responsible for or in charge thereof shall,

- (a) have a competent person stationed so as to prevent any gas, vapour or liquid from entering the boiler, pressure vessel or plant or any part thereof; and
- (b) take such other measures as will ensure the safety of the person inspecting, repairing or maintaining the boiler, pressure vessel or plant. *New*.

Directions  
by inspector  
re instal-  
lation,  
operation,  
etc.

**11.—(1)** An inspector may give directions orally or in writing to the owner or other person responsible for or in immediate charge of a boiler, pressure vessel or plant on any matter pertaining to safety with regard to its installation, operation, care, maintenance or repair and require that his directions be carried out within such time as he specifies.

Refusal of  
owner, etc.,  
to obey  
directions of  
inspector

**(2)** If the owner or other person responsible for or in immediate charge of a boiler, pressure vessel or plant fails to comply with any directions given by an inspector, the inspector



shall order that the boiler, pressure vessel or plant be shut down or sealed and he shall forthwith report the circumstances to the chief inspector who may cancel the certificate of inspection or the certificate of approval. R.S.O. 1960, c. 37, s. 12, *amended*.

**12.** Where in the opinion of an inspector a boiler, pressure vessel or plant is in an unsafe operating condition or is being operated in a dangerous manner, the inspector shall seal the boiler, pressure vessel or plant and take such steps as are necessary to remove the danger, and the chief inspector may cancel the certificate of inspection or the certificate of approval. R.S.O. 1960, c. 37, s. 13 (1), *amended*. Where boiler, etc., unsafe

**13.** No person shall operate or use a boiler, pressure vessel or plant that has been shut down or sealed under section 11 or 12, or cause or permit it to be operated or used, or destroy, remove or tamper with the seal of an inspector until permission has been obtained from an inspector. R.S.O. 1960, c. 37, s. 13 (2); 1960-61, c. 7, s. 1, *amended*. Prohibition re operation of sealed boiler, etc.

**14.**—(1) Where a boiler, pressure vessel, fitting or pipe is to be fabricated for use in Ontario, the designer shall submit its design and specifications to the chief inspector for approval and registration by him before commencing its fabrication. R.S.O. 1960, c. 37, s. 14 (1), *amended*. Design of boilers, etc.

(2) Where an unused boiler or pressure vessel has been fabricated and its design and specifications have not been approved and registered, the chief inspector may cause it to be inspected, and, if he is satisfied that it may be operated or used safely, may issue a certificate of inspection for it as a used boiler or pressure vessel. R.S.O. 1960, c. 37, s. 17, *amended*. Where design not available

(3) Where a plant is to be installed, its design and specifications shall be submitted to the chief inspector for approval and registration before its installation is commenced. R.S.O. 1960, c. 37, s. 14 (2), *amended*. Design of plant

**15.**—(1) The chief inspector may require the inspection, Inspection during fabrication, etc.

(a) of a boiler or pressure vessel at any stage of its fabrication; or

(b) of a boiler, pressure vessel or plant at any stage of its installation.

(2) Where a boiler or pressure vessel has been inspected during fabrication or a plant has been inspected during installation, the inspector shall report thereon to the chief inspector Issue of certificate of inspection

who,

who, if satisfied that it may be operated or used safely, may issue a certificate of inspection for it. R.S.O. 1960, c. 37, s. 15, *amended*.

Certificate  
of approval

**16.** Where the chief inspector has not required the inspection of a boiler or pressure vessel during its fabrication or of a plant during its installation, he may, if he is satisfied that it may be operated or used safely, issue a certificate of approval therefor. R.S.O. 1960, c. 37, s. 16, *amended*.

Boiler, etc.,  
defective  
after  
fabrication

**17.** Notwithstanding the approval and registration of its design, if a boiler, pressure vessel or plant is found to be defective after its fabrication or installation, as the case may be, the chief inspector may permit it to be operated or used within such limits of safety as he deems proper, and shall require the fabricator or installer to revise its design and specifications in order to correct its defects within such period as he allows, and, failing such revision or if the defects cannot in his opinion be remedied, he shall cancel the approval and registration of the design, and no additional boiler, pressure vessel or plant shall be fabricated or installed therefrom. R.S.O. 1960, c. 37, s. 18, *amended*.

Boiler, etc.,  
not  
fabricated in  
conformity  
with  
approved  
design

**18.** Where a boiler, pressure vessel or plant has not been fabricated or installed, as the case may be, in conformity with its approved design but nevertheless may be used safely at a lower pressure than its design pressure, the person making the inspection shall fix its maximum allowable pressure having regard to its design, condition, installation and the purpose for which it is to be operated or used. R.S.O. 1960, c. 37, s. 20, *amended*.

Prohibition  
re operation  
of boilers,  
etc., at  
unsafe  
pressures

**19.—(1)** No person shall operate or use, or permit to be operated or used, any boiler, pressure vessel or plant at a working pressure higher than its design pressure. *New*.

Idem

**(2)** No person shall operate or use, or permit to be operated or used, a boiler, pressure vessel or plant at a pressure higher than its maximum allowable pressure as shown in the certificate of approval or the subsisting certificate of inspection. R.S.O. 1960, c. 37, s. 22, *amended*.

Safety  
valves

**20.—(1)** Subject to subsection 2, every boiler, pressure vessel or plant shall have at least one safety valve of adequate capacity set to relieve at or below its maximum allowable pressure.

Idem

**(2)** Where more than one boiler or pressure vessel are connected in a plant for use at a common operating pressure, they shall be protected by one or more safety valves of adequate capacity set to relieve at or below the common

maximum



maximum allowable pressure that shall not exceed the maximum allowable pressure of the weakest boiler or pressure vessel in the plant. R.S.O. 1960, c. 37, s. 21, *amended*.

**21.** While a boiler, pressure vessel or plant is in operation or use, no person shall, without the permission of an inspector, alter, interfere with or render inoperative any fitting that is attached for safety purposes to the boiler, pressure vessel or plant. *New.* <sup>Tampering with fittings</sup>

**22.** Subject to subsection 2 of section 28, the owner of every boiler or pressure vessel in operation or use shall have it inspected at least once in every twelve months, or at such periodic intervals as are prescribed in the regulations, by an inspector or, on the instructions of the chief inspector, by a person having a subsisting certificate of competency. R.S.O. 1960, c. 37, s. 23 (1), *amended*. <sup>Annual or periodic inspection</sup>

**23.**—(1) Following any inspection, the inspector shall make a report to the chief inspector on the condition and operation or use of the boiler, pressure vessel or plant, and, if the inspector is satisfied that it may continue to be operated or used safely, the chief inspector may issue a certificate of inspection. R.S.O. 1960, c. 37, s. 23 (2), *amended*. <sup>Issue of certificate of inspection</sup>

(2) The fee for a certificate of inspection and the expenses of the inspector shall be paid to the inspector at the time of inspection, unless the chief inspector has notified the inspector that the fee and expenses are being remitted direct to the chief inspector. R.S.O. 1960, c. 37, s. 24. <sup>Fee and expenses</sup>

(3) The chief inspector shall not issue a certificate of approval or a certificate of inspection for a boiler, pressure vessel or plant until the provisions of this Act applicable thereto have been complied with and the prescribed fees and expenses have been paid. *New.* <sup>Idem</sup>

**24.**—(1) A certificate of inspection or a certificate of approval is *prima facie* evidence of the inspection of the boiler, pressure vessel or plant, and the certificate, subject to this Act, authorizes the operation or use of the boiler, pressure vessel or plant in accordance with the terms of the certificate. <sup>Certificate authorizes operation</sup>

(2) Every certificate of inspection or certificate of approval remains in force for twelve months from the date of inspection unless it is sooner cancelled or unless a shorter or longer period is specified therein. <sup>Expiration of certificate</sup>

(3) The maximum allowable pressure at which a boiler, pressure vessel or plant may be operated or used and the safety valve set to relieve shall be specified in the certificate of inspection or certificate of approval. <sup>Maximum pressure to be specified in certificate</sup>

Certificate  
to be posted

(4) Every certificate of inspection or certificate of approval shall be kept in good condition by the owner of the boiler, pressure vessel or plant for which it was issued, and he shall post it in a conspicuous place near such boiler, pressure vessel or plant or, if that should be impracticable, at such place as an inspector may direct. R.S.O. 1960, c. 37, s. 25, *amended*.

Prohibition  
re operation  
without  
certificate  
of inspection

**25.** No person shall operate or use or permit to be operated or used a boiler, pressure vessel or plant unless a certificate of inspection or a certificate of approval for it is in force. R.S.O. 1960, c. 37, s. 26, *amended*.

Further  
inspection  
at any time

**26.**—(1) Notwithstanding that a certificate of inspection or a certificate of approval is in force, the chief inspector may order a further inspection of a boiler, pressure vessel or plant at any time, or an inspector may make a further inspection at any time, and the owner shall pay the fee and expenses prescribed therefor.

Issue of  
new  
certificate

(2) Where an additional inspection is made under subsection 1, the inspector shall report thereon to the chief inspector who, if satisfied that the boiler, pressure vessel or plant may be operated or used safely, may issue a certificate of inspection for it. R.S.O. 1960, c. 37, s. 27, *amended*.

Annual  
statement  
as to safety

**27.** The owner of a boiler or pressure vessel that is subject to periodic inspection shall, in January of each year, send a statement in the prescribed form to the chief inspector that in his opinion the boiler or pressure vessel is safe to operate or use. *New*.

Insured  
boilers,  
etc.

**28.**—(1) Where a boiler or pressure vessel has been insured, every annual or periodic inspection shall be carried out by or through the insurer, and the insurer, if satisfied that the boiler or pressure vessel may be operated or used safely, shall issue a certificate of inspection therefor.

Exemption  
from  
inspection  
by  
inspector

(2) Where a boiler or pressure vessel is insured, it is exempt from annual or periodic inspection by inspectors appointed under this Act so long as the insurance is in force, unless the chief inspector requires the boiler or pressure vessel to be inspected by an inspector, in which case the fees and expenses referred to in section 23 shall be paid by the owner.

Inspection  
report of  
insured

(3) Every insurer shall file with the chief inspector, within twenty-one days after an inspection has been made, a copy of the report of the inspection over the signature of the person making the inspection.

(4) Every insurer shall forthwith notify the chief inspector <sup>Cancellation or rejection of insurance</sup> in writing of the cancellation or rejection of insurance on a boiler or pressure vessel, together with the reasons therefor.

(5) Where an insurer has cancelled insurance on a boiler <sup>Cancellation of</sup> or pressure vessel because he considers it unsafe for operation <sup>certificate of inspection</sup> or use, he shall cancel its certificate of inspection, take <sup>issued by</sup> possession of the certificate and forthwith notify the chief <sup>insurer</sup> inspector in person or by telegram or telephone of the circumstances of the cancellation. R.S.O. 1960, c. 37, s. 28, *amended*.

**29.**—(1) The Minister may permit the chief inspector to <sup>Employment of insurer, etc., to make inspection</sup> employ the services of an insurer or of any person qualified to engage in the business of inspection of boilers and pressure vessels in Ontario to make any inspection required under this Act and to report thereon within fourteen days after the completion of the inspection. R.S.O. 1960, c. 37, s. 29 (1).

(2) Where a boiler or pressure vessel is to be fabricated <sup>Inspection of boilers, etc., fabricated in other provinces</sup> outside Ontario in any province of Canada for use in Ontario, the chief inspector may arrange with the person in charge of the inspection of boilers and pressure vessels for the province in which it is to be fabricated to carry out inspections during its fabrication and may accept the inspection reports submitted to him by such person for the purposes of this Act.

(3) Where a boiler or pressure vessel is to be fabricated in <sup>Inspection of boilers, etc., fabricated in U.S.A.</sup> the United States of America for use in Ontario, the chief inspector may arrange for the inspection of it during fabrication by an inspector holding a commission issued by the National Board of Boiler and Pressure Vessel Inspectors and may accept the inspection reports of such inspector for the purposes of this Act.

(4) Where a boiler or pressure vessel is to be fabricated <sup>Inspection of boilers, etc., fabricated elsewhere</sup> outside Canada and the United States of America for use in Ontario, the chief inspector may arrange for the inspection of it during fabrication through any agency engaged in boiler or pressure vessel inspection and may accept the inspection reports of the agency for the purposes of this Act. R.S.O. 1960, c. 37, s. 29 (2-4), *amended*.

(5) Where a boiler or pressure vessel is inspected under <sup>Certificate of inspection</sup> subsection 1, 2, 3 or 4, a certificate of inspection therefor may be issued by the chief inspector. *New*.

**30.** Every used boiler, pressure vessel or plant shall be <sup>Used boilers, etc.</sup> inspected and tested by an inspector before it is put into operation or use, and he shall report thereon to the chief

inspector,



inspector, and, if the chief inspector is satisfied that it may be operated or used safely, he may issue a certificate of inspection. R.S.O. 1960, c. 37, s. 30, *amended*.

Boilers, etc.,  
previously  
used  
outside  
Ontario

**31.**—(1) No person shall install or permit to be installed a boiler, pressure vessel or plant previously used outside Ontario unless the consent of the chief inspector has been obtained for such installation. R.S.O. 1960, c. 37, s. 31 (1), *amended*.

Idem,  
operation  
or use

(2) No person shall operate or use, or permit to be operated or used, a boiler, pressure vessel or plant previously used outside Ontario unless the chief inspector has issued a certificate of inspection therefor. *New*.

Repairs to  
boilers, etc.,  
found  
unsafe

**32.** Where a boiler, pressure vessel or plant is found to be in an unsafe condition, no person shall make any major repairs thereto until he has notified an inspector of the nature and extent of such repairs and an inspector has approved thereof, and the boiler, pressure vessel or plant shall not be put into operation or use until a further inspection by an inspector has been made and the chief inspector has issued a new certificate of inspection therefor. R.S.O. 1960, c. 37, s. 32, *amended*.

Defects in  
boilers, etc.,  
to be  
pointed  
out to  
inspector

**33.** When a boiler, pressure vessel or plant is being inspected, the owner or other person responsible for it or in immediate charge of it shall point out to the inspector any defect of which he has knowledge or that he believes to exist in it, and, if at any other time he learns of any defect that might render it unsafe to operate or use, he shall forthwith notify the chief inspector in person or by telegram or telephone of the circumstances. R.S.O. 1960, c. 37, s. 33, *amended*.

Condemned  
boilers,  
etc.

**34.**—(1) Where an inspector has inspected a boiler, pressure vessel or plant and has satisfied himself that it can no longer be operated or used safely, he shall condemn it and notify the chief inspector that he has condemned it and shall seal it with a seal or label indicating that it is condemned and shall take possession of its certificate of inspection.

Prohibition  
re operation  
of  
condemned  
boilers, etc.

(2) No person shall operate or use, or permit to be operated or used, a boiler, pressure vessel or plant that has been condemned unless he has had it repaired as required by the chief inspector and a further inspection has been made by an inspector and the chief inspector has issued a new certificate of inspection therefor.

Prohibition  
as to  
removal  
for use

(3) No boiler, pressure vessel or plant that has been condemned shall be moved to another location for operation or use without the consent of the chief inspector. R.S.O. 1960, c. 37, s. 34, *amended*.

**35.** The owner of a boiler, pressure vessel or plant, upon permanently removing it from operation or use, shall forthwith notify, in the prescribed form, the chief inspector of such removal. *New.*

Notice of  
removal  
from  
operation

**36.—(1)** The procedures to be followed in welding shall be approved by the chief inspector. R.S.O. 1960, c. 37, s. 35 (1), *amended.*

Approval of  
procedures  
in welding

(2) Every welding operator shall pass such qualification tests as the chief inspector requires. R.S.O. 1960, c. 37, s. 36.

Qualification  
tests

(3) No welding operator shall weld except under an approved procedure. R.S.O. 1960, c. 37, s. 35 (2), *amended.*

Welding to  
be done  
under  
approved  
procedure

(4) The chief inspector shall issue an identification card to every welding operator who passes a qualification test. R.S.O. 1960, c. 37, s. 37 (1).

Identification  
card

(5) Every identification card shall indicate the employer for whom the welding operator is qualified to weld or that he is self-employed or that he desires to be employed and the class or position of welding that he is qualified to do. R.S.O. 1960, c. 37, s. 37 (2), *amended.*

Idem

(6) A welding operator may be required at any time to pass such further qualification tests as the chief inspector requires, at which time his identification card shall be cancelled and, on his passing such further tests, a new identification card shall be issued to him. R.S.O. 1960, c. 37, s. 38.

Further  
tests

(7) Such fees as are prescribed by the regulations for the test of a welding operator shall be paid at the time the test is given by the employer of the welding operator or, if he is self-employed or desires to be employed, by himself. R.S.O. 1960, c. 37, s. 39, *amended.*

Fees

(8) Every welding operator shall carry his identification card upon his person when welding and shall produce it when requested by an inspector. R.S.O. 1960, c. 37, s. 40.

Identifica-  
tion card  
to be  
carried

(9) When a welding operator changes his employer or is first employed by an employer, he shall not commence to weld for his new employer or his employer, as the case may be, until he has passed a further qualification test and has been issued a new identification card. R.S.O. 1960, c. 37, s. 41, *amended.*

Welding  
for new  
employer

(10) No welding operator shall do welding,

(a) unless he is the holder of a subsisting identification card;

Prohibition  
of unquali-  
fied person  
to weld

(b)

- (b) in the employ of any person other than the employer named on his identification card; or
- (c) of a class or position of welding for which he is not qualified.

Employer  
not to  
permit  
welding by  
unqualified  
person

(11) No employer shall permit a welding operator,

- (a) to weld unless he is the employer named in the welding operator's identification card; or
- (b) to do a class of welding or to weld in a position for which the welding operator is not qualified. R.S.O. 1960, c. 37, s. 42, *amended*.

Notification  
of accidents

**37.**—(1) Where an explosion or rupture of a boiler, pressure vessel or plant occurs, or where an accident arises out of its operation or use that causes injury or death to a person, or property damage, the owner or person in charge shall forthwith notify the chief inspector in person or by telegram or telephone giving him full details of the accident and shall within forty-eight hours after the explosion or rupture occurs send him a written report of the circumstances of the occurrence.

Investigation  
of accident

(2) The chief inspector or any inspector under his instruction shall investigate any explosion, rupture or accident so reported, or of which he becomes aware, to determine its cause. R.S.O. 1960, c. 37, s. 43, *amended*.

After  
explosion or  
rupture,  
parts not  
to be  
removed,  
etc.

**38.** Where an explosion or rupture of a boiler, pressure vessel or plant occurs, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy or carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector. R.S.O. 1960, c. 37, s. 44, *amended*.

Appeal from  
action of  
inspector

**39.**—(1) Any person who is dissatisfied with an inspection or action taken by an inspector may within thirty days thereof appeal to the Minister, who may thereupon cause another inspection to be made by one or more inspectors who shall report to him, and the decision of the Minister is final. R.S.O. 1960, c. 37, s. 45 (1).

Expenses  
of appeal

(2) Any expenses occasioned by the appeal and second inspection as determined by the Minister shall be paid by the appellant. R.S.O. 1960, c. 37, s. 45 (2), *amended*.



**40.** Subject to this Act and the regulations, the publications of the Canadian Standards Association, of the American Standards Association and of the American Society of Mechanical Engineers, as amended from time to time, shall be deemed to contain the rules that shall be referred to by the chief inspector and the inspectors in carrying out their duties under this Act in reference to the approval of designs, the fabrication, installation, inspection, testing, operation and use of boilers, pressure vessels and plants. R.S.O. 1960, c. 37, s. 46, *amended*. <sup>Publications to be referred to by inspectors</sup>

**41.** Every person who contravenes any of the provisions of this Act or the regulations, or any direction or order given to him by an inspector, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to a term of imprisonment of not more than twelve months, or to both fine and imprisonment. R.S.O. 1960, c. 37, s. 48, *amended*. <sup>Offences</sup>

**42.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) prescribing the qualifications of persons who may be issued certificates of competency;
- (b) providing for the issue and renewal of certificates of competency and for the expiration, suspension or cancellation thereof;
- (c) providing for periodic inspections of any class of boilers or pressure vessels;
- (d) requiring the payment of fees for any official function under this Act and prescribing the amounts thereof;
- (e) providing for the payment by the fabricator or owner of a boiler or pressure vessel or the installer or owner of a plant of any or all of the expenses incurred by an inspector in making an inspection of it;
- (f) governing the design, fabrication, installation, operation, use, repair, maintenance or inspection of boilers, pressure vessels or plants or any class thereof;
- (g) prescribing the manner in which the design of a boiler, pressure vessel, plant, fitting or pipe shall be registered and numbered, and the manner in which it shall be marked or identified;

(h)

- (h) prescribing the drawings and specifications that shall accompany an application for approval and registration of the design of a boiler, pressure vessel, plant, fitting or pipe and the information to be included therein;
- (i) prescribing the terms and conditions upon which an approved and registered design may be revised;
- (j) prescribing the manner by which the capacity of a boiler, pressure vessel or plant may be determined;
- (k) requiring the fabricator or his agent or officer in charge of fabrication to make a report in respect of the fabrication of a boiler or pressure vessel, and prescribing the information that shall be contained in the report and the manner in which it shall be verified;
- (l) requiring the installer or his agent or officer in charge of the installation of a plant to make a report in respect of the installation of the plant, and prescribing the information that shall be contained in the report and the manner in which it shall be verified;
- (m) prescribing the plans, drawings or information to be given in respect of the repair of a boiler, pressure vessel or plant;
- (n) prescribing the conditions under which a boiler, pressure vessel or plant may be mounted on a vehicle;
- (o) requiring every inspector and insurer to stamp or otherwise permanently identify, by a departmental number designated by the chief inspector, every boiler, pressure vessel or plant inspected by him that does not then have such a departmental number, and establishing such a system of identification and providing for and fixing the amount of the remuneration that shall be paid to insurers for so doing;
- (p) providing for the assigning of identifying symbols to welding operators, and requiring and providing for the imprinting of the symbol by the welding operator on welds made by him;
- (q) classifying refrigerants and governing the conditions under which they may be used;

- (r) prescribing forms and providing for their use;
- (s) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 37, s. 49 (1), *amended*.

**43.** All fees and expenses collected under this Act and all <sup>Application of fees and penalties</sup> fines recovered for offences against this Act or the regulations shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 37, s. 50.

**44.** *The Boilers and Pressure Vessels Act* and *The Boilers and Pressure Vessels Amendment Act, 1960-61* are repealed. <sup>R.S.O. 1960, c. 37; 1960-61, c. 7, repealed</sup>

**45.** This Act may be cited as *The Boilers and Pressure Vessels Act, 1962-63*. <sup>Short title</sup>



## CHAPTER 9

## An Act to amend The Brucellosis Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Brucellosis Act* is repealed. R.S.O. 1960,  
c. 41, s. 14,  
repealed
2. Section 18 of *The Brucellosis Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 41, s. 18,  
amended
  - (ea) providing for the compensation of the owner of a female calf that dies after being vaccinated, and prescribing the terms and conditions under which such compensation may be paid.
3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
4. This Act may be cited as *The Brucellosis Amendment Act, 1962-63*. Short title





## CHAPTER 10

## An Act to amend The Cemeteries Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Cemeteries Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 47, s. 8,  
re-enacted

8.—(1) No application for the establishment or enlargement of a cemetery, columbarium or mausoleum to be operated for gain or profit shall be approved unless the owner has set aside as a deposit to assure the maintenance of the cemetery, columbarium or mausoleum, as the case may be, the sum prescribed by the regulations and in the manner so prescribed. Deposit  
to assure  
maintenance

(2) The sum set aside as a deposit under subsection 1 may be returned to the owner upon such terms and conditions as the regulations prescribe. Transfer  
to owner

2. Subsection 1 of section 15 of *The Cemeteries Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 47, s. 15,  
subs. 1,  
amended

(ha) prescribing the sum that shall be set aside as a deposit to assure the maintenance of a cemetery, columbarium or mausoleum to be operated for gain or profit, the manner in which such sum shall be set aside and the terms and conditions upon which such sum may be returned;

(hb) prescribing the portion of the consideration of each sale that must be paid into the pre-need assurance fund, the portion that may be withdrawn therefrom and the terms and conditions upon which such withdrawal may be made.

3. Section 37a of *The Cemeteries Act*, as enacted by section 3 of *The Cemeteries Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 47, s. 37a  
(1961-62,  
c. 12, s. 3),  
re-enacted

Pre-need  
assurance  
funds

37a.—(1) Every owner who sells cemetery supplies or cemetery services to be furnished or supplied upon the death of a person who is alive at the time the sale is made shall establish and maintain a pre-need assurance fund.

Operation  
of fund

(2) Every owner referred to in subsection 1 shall pay into his pre-need assurance fund such portion of the consideration of each sale as the regulations prescribe, and he may withdraw from the fund such portion as the regulations prescribe upon such terms and conditions as the regulations prescribe.

Application  
of ss. 27-37

(3) Sections 27 to 37, except subsection 6 of section 27, subsection 2 of section 29 and subsection 2 of section 33, apply *mutatis mutandis* to pre-need assurance funds.

Minister  
deemed to  
have interest

(4) The Minister or a person designated by him shall be deemed to be a person having an interest in pre-need assurance funds.

Passing of  
accounts

(5) Every owner shall forthwith submit to be examined, audited and passed by the judge of the surrogate court for the county or district in which his cemetery, columbarium or mausoleum is located the accounts of his dealings with the pre-need assurance moneys that have come into his hands since the 1st day of November, 1957, but this subsection does not apply to any owner whose accounts with respect to such funds have been passed since the 1st day of January, 1962.

Idem

(6) Notice of the passing of accounts shall be served upon the Minister.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Cemeteries Amendment Act, 1962-63*.

## CHAPTER 11

## The Charitable Institutions Act, 1962-63

*Assented to December 19th, 1962*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "charitable institution" means a building or buildings maintained and operated by an approved corporation for persons requiring residential, sheltered, specialized or group care, but does not include,

(i) a children's institution under *The Children's Institutions Act, 1962-63*,  
c. 14

(ii) a home or joint home under *The Homes for the Aged Act*,  
R.S.O. 1960,  
c. 174

(iii) a house that is registered under *The Maternity Boarding Houses Act*,  
R.S.O. 1960,  
c. 231

(iv) an institution under *The Mental Hospitals Act*,  
R.S.O. 1960,  
c. 236

(v) a private hospital under *The Private Hospitals Act*,  
R.S.O. 1960,  
c. 305

(vi) a sanitarium under *The Private Sanitaria Act*,  
R.S.O. 1960,  
c. 307

(vii) a psychiatric hospital under *The Psychiatric Hospitals Act*,  
R.S.O. 1960,  
c. 315

(viii) a hospital under *The Public Hospitals Act*,  
R.S.O. 1960,  
c. 322

(ix) a sanatorium under *The Sanatoria for Consumptives Act*;  
R.S.O. 1960,  
c. 359

(b) "correctional institution" means a charitable institution maintained and operated primarily for persons,

(i)

R.S.O. 1960,  
c. 308  
1952-53,  
c. 51 (Can.)  
R.S.C. 1952,  
c. 160

R.S.O. 1960,  
c. 286  
1958, c. 38  
(Can.)

- (i) who have been placed on probation under *The Probation Act*, the *Criminal Code* (Canada) or the *Juvenile Delinquents Act* (Canada), or
- (ii) who have been released on parole under *The Parole Act* or the *Parole Act* (Canada), or
- (iii) who are admitted to the institution for correctional purposes;
- (c) "hostel" means a charitable institution for the temporary care of transient or homeless persons;
- (d) "Minister" means the Minister of Public Welfare;
- (e) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;
- (f) "regulations" means the regulations made under this Act.

Approval of  
corporations

**2.** The Lieutenant Governor in Council may approve for the purposes of this Act any corporation without share capital having objects of a charitable nature and incorporated under Part III of *The Corporations Act*.

R.S.O. 1960,  
c. 71

Approval of  
buildings

**3.** The Lieutenant Governor in Council may approve charitable institutions for the purposes of this Act.

Restrictions  
upon  
approved  
corporations

**4.—(1)** No approved corporation shall,

- (a) maintain or operate any building or part thereof as a charitable institution until the building is approved under section 3;
- (b) change its name or the name of any charitable institution maintained and operated by it without the approval in writing of the Minister;
- (c) erect a new building to be used as a charitable institution until the site and plans thereof are approved in writing by the Minister, or erect an addition to an existing building used or to be used as a charitable institution until the plans thereof are approved in writing by the Minister;
- (d) purchase or otherwise acquire any building to be used by it as a charitable institution without the approval in writing of the Minister; or

(e)



- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any charitable institution in respect of which the approved corporation has received payment of a grant under section 5 or 6, or any predecessor thereof, without the approval in writing of the Minister.

(2) No by-law of an approved corporation with respect to a charitable institution has force or effect until it is approved in writing by the Minister. <sup>Approval of by-laws</sup>

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a charitable institution have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount based upon the total bed capacity of the new building or the addition at the rate of, <sup>Grants for construction of buildings or additions</sup>

- (a) \$2,500 per bed or of an amount equal to 50 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser, where the new building or the addition is to be used as a charitable institution, other than a hostel; or
- (b) \$1,500 per bed or of an amount equal to 30 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser, where the new building or the addition is to be used as a hostel, but no payment shall be made under this clause unless the council of the municipality in which the new building or the addition is situated directs payment to the approved corporation erecting the new building or the addition of an amount equal to at least 20 per cent of the cost thereof to the approved corporation.

6. When the acquisition of a building to be used as a charitable institution has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount based upon the total bed capacity of the building at the rate of, <sup>Grants for acquisition of buildings</sup>

(a)

- (a) \$750 per bed or of an amount equal to 50 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser, where the building is to be used as a charitable institution, other than a hostel; or
- (b) \$450 per bed or of an amount equal to 30 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser, where the building is to be used as a hostel, but no payment shall be made under this clause unless the council of the municipality in which the building is situated directs payment to the approved corporation acquiring the building of an amount equal to at least 20 per cent of the cost thereof to the approved corporation.

Contribution  
by Province  
to maintenance  
in  
institutions  
other than  
hostels or  
correctional  
institutions

**7.—**(1) Subject to section 8, where an approved corporation maintains and operates a charitable institution that is specified in the regulations as a charitable institution other than a hostel or a correctional institution, there shall be paid to the corporation, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 75 per cent of the net cost, computed in accordance with the regulations, that is paid by the corporation for the care and maintenance of each person resident in the charitable institution.

Contribution  
by Province  
to maintenance  
in  
correctional  
institutions

(2) Subject to section 8, where an approved corporation maintains and operates a charitable institution that is specified in the regulations as a correctional institution, there shall be paid to the corporation, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 50 per cent of the net cost, computed in accordance with the regulations, that is paid by the corporation for the care and maintenance of each person resident in the correctional institution.

Residence

**8.—**(1) An amount shall not be paid under section 7 in respect of a person unless he has resided in Ontario for a period of at least twelve consecutive months immediately before the date of his admission to the charitable institution, but, where the person has not so resided because of the operation of subsection 2, he shall have resided in Ontario for at least twelve consecutive months before the date of his admission to a place mentioned in subsection 2.

Idem

(2) In computing periods of residence under subsection 1, any period of time during which the person was a patient or resident in a hospital, sanatorium, nursing home, home for

the aged or other private, charitable or public institution for custodial, medical, educational or other care or supervision shall not be included.

**9.—**(1) A provincial supervisor shall inspect every charitable institution and examine the books of account and any other records of the institution at least once each year, but he may inspect any charitable institution or examine the books of account and the other records at any time. <sup>Inspection of books of charitable institutions</sup>

(2) A provincial supervisor may inspect the books of account and other records of an approved corporation that pertain to charitable institutions. <sup>Inspection of books of approved corporations</sup>

**10.** Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. <sup>Revocation and suspension of approvals</sup>

**11.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) specifying the corporations and the charitable institutions that are approved for the purposes of this Act or for the purpose of any regulation;
- (b) specifying the classes of persons that may be cared for in specified charitable institutions;
- (c) prescribing rules governing the establishment, maintenance and operation of charitable institutions or specified charitable institutions and the conduct of the persons cared for therein and the staffs thereof;
- (d) governing the qualifications and the powers and duties of the members of the staffs of charitable institutions or of specified charitable institutions;
- (e) requiring and prescribing medical and other related or ancillary services for the care and treatment of the persons in charitable institutions or specified charitable institutions;
- (f) prescribing additional qualifications for the establishment of residence for the purpose of section 8;
- (g) governing applications by approved corporations for payments under this Act and prescribing the method, time and manner of payment;
- (h) prescribing the manner of computing the cost to approved corporations for the purposes of sections 5 and 6;

- (i) prescribing the manner of computing the net cost of the care and maintenance of a person resident in a charitable institution and the maximum amount of the net cost to which the Province may contribute under section 7;
- (j) prescribing the records to be kept by approved corporations and charitable institutions, the claims and returns to be made to the Minister by approved corporations with respect to charitable institutions and the method, time and manner in which such claims and returns shall be made and providing penalties for late claims or returns;
- (k) providing for the recovery by an approved corporation or the Province from a person or his estate of any amount paid by the corporation or by the Province to the corporation for the cost of the care and maintenance of the person in a charitable institution and prescribing the circumstances and the manner in which any such recovery may be made;
- (l) prescribing additional powers and duties of provincial supervisors;
- (m) prescribing forms and providing for their use;
- (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Moneys**

**12.** The moneys required for the purposes of sections 5, 6 and 7 shall, until the 31st day of March, 1964, be paid out of the Consolidated Revenue Fund.

**R.S.O. 1960,  
c. 51,  
repealed**

**13.** *The Charitable Institutions Act* is repealed.

**Commence-  
ment**

**14.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Short title**

**15.** This Act may be cited as *The Charitable Institutions Act, 1962-63*.



## CHAPTER 12

## An Act to amend The Child Welfare Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 15 of section 17 of *The Child Welfare Act* is amended by striking out "in whose charge he is" in the twelfth line and inserting in lieu thereof "standing *in loco parentis* to the child" and by inserting after "the" where it occurs the first time in the fifteenth line "continuous", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 53, s. 17,  
subs. 15,  
amended

(15) Where the child has been committed temporarily to the care and custody of the children's aid society on an adjournment or after the judge has found the child to be a neglected child, the society may at any time during the period of temporary commitment bring the case again before a judge for further consideration and action under this section, and, if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again be brought before a judge, and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or other person standing *in loco parentis* to the child or a further order under subsection 8 or an order or further order under subsection 9, but in no case shall an order be made at any time that results in the continuous temporary commitment of the child for a period of more than twenty-four months from the date of the first order for the temporary commitment of the child.

Re-opening  
of  
temporary  
commitment

2. *The Child Welfare Act* is amended by adding thereto the following section:

R.S.O. 1960  
c. 53,  
amended

17b. Notwithstanding section 126 of *The Judicature Act* and with the leave of the judge hearing an application under this Part, any step may be taken in the

Proceedings  
at any time  
or on a  
holiday  
R.S.O. 1960,  
c. 197

application,



application, the hearing may be held and the order may be made and performed at any time of any day, including a holiday.

R.S.O. 1960,  
c. 53, s. 24,  
amended

3.—(1) Section 24 of *The Child Welfare Act* is amended by striking out “except that where the order is made against a county the amount otherwise payable to the county under this section shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county” in the fifth, sixth, seventh, eighth, ninth and tenth lines, so that the section shall read as follows:

Provincial  
aid to  
municipalities

24. Where a judge orders a municipality to pay the rate under this Part, there shall be paid to the municipality out of the moneys appropriated therefor by the Legislature an amount equal to 40 per cent of the amount of the net expenditures of the municipality under the order.

Interim  
moneys  
R.S.O. 1960,  
c. 53

(2) The moneys required for the purposes of section 24 of *The Child Welfare Act*, as amended by subsection 1, shall, during the fiscal year 1963-64, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of such moneys as are appropriated therefor by the Legislature.

R.S.O. 1960,  
c. 53, s. 36,  
subs. 5,  
amended

4. Subsection 5 of section 36 of *The Child Welfare Act* is amended by striking out “\$5” in the third line and inserting in lieu thereof “not more than \$25” and by striking out “\$10” in the fourth line and inserting in lieu thereof “not more than \$100”, so that the subsection shall read as follows:

Offence

(5) A parent who permits his boy or girl to contravene any provision of this section is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than \$25 and, for any subsequent offence, to a fine of not more than \$100.

R.S.O. 1960,  
c. 53, s. 50,  
subs. 1,  
amended

5. Subsection 1 of section 50 of *The Child Welfare Act* is amended by inserting after “order” in the first line “or an order to enforce an agreement”, so that the subsection shall read as follows:

Appointment  
for hearing;  
notice

(1) Where an application for an affiliation order or an order to enforce an agreement is made to a judge, the judge shall appoint in writing a time and place at which the application will be heard, and notice in writing thereof shall be served personally or in such other manner as the judge directs upon the putative father at least seven days before the day so appointed.

6. Section 51 of *The Child Welfare Act* is amended by striking out "under section 50" in the second line and inserting in lieu thereof "for an affiliation order or an order to enforce an agreement" and by striking out "affiliation" in the sixth line, so that the section shall read as follows:

51. Where the putative father who has been served with notice of the application for an affiliation order or an order to enforce an agreement fails to appear at the hearing or to show sufficient reason for not appearing, the judge in the absence of the putative father and upon sufficient evidence being adduced before him may make an order against the putative father under section 52 or he may make such other order as he considers just.

7. Clause *a* of subsection 1 of section 65 of *The Child Welfare Act* is repealed and the following substituted therefor:

- (a) where the applicant is under twenty-one years of age or, in the case of a joint application by a husband or wife, where the husband is under twenty-one years of age.

8. This Act comes into force on the day it receives Royal Assent.

9. This Act may be cited as *The Child Welfare Amendment Act, 1962-63*.



## CHAPTER 13

**An Act to amend  
The Children's Boarding Homes Act**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subclause ii of clause *b* of section 1 of *The Children's Boarding Homes Act* is amended by striking out "*The Mothers' and Dependent Children's Allowances Act*" in the second, third and fourth lines and inserting in lieu thereof "*The Mothers' Allowances Act*", so that the subclause shall read as follows:

R.S.O. 1960,  
c. 54, s. 1,  
cl. b,  
subcl. ii,  
amended

(ii) a private home in which there are foster children who are beneficiaries under *The Mothers' Allowances Act*.

R.S.O. 1960,  
c. 247

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Children's Boarding Homes Amendment Act, 1962-63*.

Short title





## CHAPTER 14

## An Act respecting Children's Institutions

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

- (a) "child" means a person under twenty-one years of age;
- (b) "children's institution" means a building or buildings maintained and operated by an approved corporation for children requiring sheltered, specialized or group care, but does not include,

- (i) a charitable institution under *The Charitable Institutions Act, 1962-63*,  
c. 11
- (ii) a children's boarding home that is registered under *The Children's Boarding Homes Act*,  
R.S.O. 1960,  
c. 54
- (iii) a hospital under *The Children's Mental Hospitals Act*,  
R.S.O. 1960,  
c. 56
- (iv) a boarding home, a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act*,  
R.S.O. 1960,  
c. 53
- (v) a day nursery established and operated under *The Day Nurseries Act*,  
R.S.O. 1960,  
c. 87
- (vi) a house that is registered under *The Maternity Boarding Houses Act*,  
R.S.O. 1960,  
c. 231
- (vii) an institution under *The Mental Hospitals Act*,  
R.S.O. 1960,  
c. 236
- (viii) a private hospital under *The Private Hospitals Act*,  
R.S.O. 1960,  
c. 305

(ix)

R.S.O. 1960,  
c. 307

(ix) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1960,  
c. 315

(x) a psychiatric hospital under *The Psychiatric Hospitals Act*,

R.S.O. 1960,  
c. 322

(xi) a hospital under *The Public Hospitals Act*,

R.S.O. 1960,  
c. 359

(xii) a sanatorium under *The Sanatoria for Consumptives Act*;

- (c) "Minister" means the Minister of Public Welfare;
- (d) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;
- (e) "regulations" means the regulations made under this Act.

Approval of  
corporations

**2.** The Lieutenant Governor in Council may approve for the purposes of this Act any corporation without share capital having objects of a charitable nature and incorporated under Part III of *The Corporations Act*.

R.S.O. 1960,  
c. 71

Approval of  
children's  
institutions

**3.** The Lieutenant Governor in Council may approve children's institutions for the purposes of this Act.

Restrictions  
upon  
approved  
corporations

**4.—(1)** No approved corporation shall,

- (a) maintain or operate any building or part thereof as a children's institution until the building is approved under section 3;
- (b) change its name or the name of any children's institution maintained and operated by it without the approval in writing of the Minister;
- (c) erect a new building to be used as a children's institution until the site and plans thereof are approved in writing by the Minister, or erect an addition to an existing building used or to be used as a children's institution until the plans thereof are approved in writing by the Minister;
- (d) purchase or otherwise acquire any building to be used by it as a children's institution without the approval in writing of the Minister; or

(e)

- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any children's institution in respect of which the approved corporation has received payment of a grant under section 5 or 6 of this Act or under section 7 or 8 of *The Charitable Institutions Act*, being chapter 51 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, without the approval in writing of the Minister.

(2) No by-law of an approved corporation with respect to a children's institution has force or effect until it is approved in writing by the Minister.

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a children's institution have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount based upon the total bed capacity of the new building or the addition at the rate of \$2,500 per bed or of an amount equal to 50 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser.

6. When the acquisition of a building to be used as a children's institution has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount based upon the total bed capacity of the building at the rate of \$750 per bed or of an amount equal to 50 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser.

7. Subject to section 8, where a child is admitted to or is residing in a children's institution and,

- (a) the financial circumstances of the person or persons in whose charge the child is, as determined by the regulations, do not permit the person or persons to pay in full for the cost of the care and maintenance of the child in the institution;

- (b) the child is not in the care and custody of a children's aid society under *The Child Welfare Act*; and

R.S.O. 1960,  
c. 53

(c)

- (c) the cost or any part thereof is paid by the approved corporation that maintains and operates the institution,

there shall be paid to the corporation, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 50 per cent of the net cost, computed in accordance with the regulations, that is paid by the corporation for the care and maintenance of the child in the institution, or 50 per cent of the maximum amount to which the Province may contribute as prescribed by the regulations, whichever is the lesser.

**Residence**

**8.**—(1) An amount shall not be paid under section 7 in respect of a child unless the child has resided in Ontario for a period of at least twelve consecutive months immediately before the date of his admission to the children's institution, but,

- (a) where the child has not so resided because of the operation of subsection 2 or because he is less than one year of age, the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months immediately before the date of the admission of the child to the institution, or
- (b) where the child or the person in whose charge he is has not resided in Ontario as required by clause *a* because of the operation of subsection 2, the child or the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months before the admission of the child or the person to a place mentioned in subsection 2.

**Idem**

(2) In computing periods of residence under subsection 1, any period of time during which the child or the person in whose charge he is was a patient or resident in a hospital, sanatorium, nursing home, children's institution, home for the aged or other private, charitable or public institution for custodial, medical, educational or other care or supervision shall not be included.

**Inspection  
of children's  
institutions**

**9.**—(1) A provincial supervisor shall inspect every children's institution and examine the books of account and any other records of the institution at least once each year, but he may inspect any children's institution or examine the books of account and the other records at any time.



(2) A provincial supervisor may inspect the books of account and other records of an approved corporation that pertain to children's institutions. <sup>Inspection of records of approved corporation</sup>

**10.** Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. <sup>Revocation and suspension of approvals</sup>

**11.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) specifying the corporations and the children's institutions that are approved for the purposes of this Act and establishing classes of children's institutions;
- (b) establishing an advisory board consisting of not more than three persons and prescribing its duties;
- (c) prescribing rules governing children's institutions or any class thereof and the conduct of the children cared for therein and the staffs thereof;
- (d) governing the admission of children to children's institutions or to any class thereof and prescribing the kinds of children that may be cared for in any class of children's institutions and the care or treatment to be provided therein;
- (e) governing the qualifications and the powers and duties of the members of the staffs of children's institutions or any class thereof;
- (f) requiring and prescribing medical and other related or ancillary services for the care and treatment of children in children's institutions or in any class thereof;
- (g) prescribing additional qualifications for the establishment of residence for the purpose of section 8;
- (h) governing applications by approved corporations for payments under this Act and prescribing the method, time and manner of payment;
- (i) prescribing the manner of computing the cost to approved corporations for the purposes of sections 5 and 6;
- (j) prescribing financial circumstances for the purposes of clause *a* of section 7;

(k)



- (k) prescribing the maximum amount for each class of children's institutions to which the Province may contribute to the net cost of the care of a child therein for the purposes of section 7;
- (l) prescribing the manner of computing the net cost of the care of a child in a children's institution for the purposes of section 7;
- (m) prescribing the records to be kept by approved corporations and children's institutions, the claims and returns to be made to the Minister by approved corporations with respect to children's institutions and the method, time and manner in which such claims and returns shall be made and providing penalties for late claims or returns;
- (n) providing for the recovery by an approved corporation or the Province from the person or persons in whose charge a child is or from the estate of such person or persons of any amount paid by the corporation or by the Province to the corporation for the cost of the care and maintenance of the child in a children's institution and prescribing the circumstances and the manner in which any such recovery may be made;
- (o) prescribing additional powers and duties of provincial supervisors;
- (p) prescribing forms and providing for their use;
- (q) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Moneys**

**12.** The moneys required for the purposes of sections 5, 6 and 7 shall, until the 31st day of March, 1964, be paid out of the Consolidated Revenue Fund.

**Commence-  
ment**

**13.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Short title**

**14.** This Act may be cited as *The Children's Institutions Act, 1962-63*.

## CHAPTER 15

**An Act to amend  
The Children's Mental Hospitals Act**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Clause *b* of section 1 of *The Children's Mental Hospitals Act* is repealed. R.S.O. 1960,  
c. 56, s. 1,  
cl. b,  
repealed
- 2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment
- 3.** This Act may be cited as *The Children's Mental Hospitals Amendment Act, 1962-63*. Short title



## CHAPTER 16

## An Act to amend The Collection Agencies Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 6 of *The Collection Agencies Act* is amended by striking out “The Superintendent, upon the recommendation of the registrar, may issue a licence to any person” in the first and second lines and inserting in lieu thereof “The registrar may issue a licence to any person”. R.S.O. 1960, c. 58, s. 6, subs. 1, amended

(2) Subsection 3 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960, c. 58, s. 6, subs. 3, re-enacted

(3) The registrar, after giving the applicant or licensee, as the case may be, an opportunity to be heard, may refuse to issue or renew any licence or may suspend or cancel any licence. Licence may be refused, etc.

**2.** Section 9 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the third line, in the sixth line and in the seventh line and inserting in lieu thereof in each instance “registrar”. R.S.O. 1960, c. 58, s. 9, amended

**3.** Subsection 2 of section 12 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the second line and in the sixth line and inserting in lieu thereof in each instance “registrar”. R.S.O. 1960, c. 58, s. 12, amended

**4.** Section 13 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the third line and inserting in lieu thereof “registrar”. R.S.O. 1960, c. 58, s. 13, amended

**5.** Section 16 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the third line and inserting in lieu thereof “registrar”. R.S.O. 1960, c. 58, s. 16, amended

R.S.O. 1960,  
c. 58, s. 17,  
subs. 2,  
amended

**6.** Subsection 2 of section 17 of *The Collection Agencies Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "registrar".

R.S.O. 1960,  
c. 58, s. 20,  
cl. b,  
amended

**7.** Clause *b* of section 20 of *The Collection Agencies Act* is amended by striking out "Superintendent" in the fourth line and inserting in lieu thereof "registrar".

R.S.O. 1960,  
c. 58, s. 24,  
amended

**8.** Section 24 of *The Collection Agencies Act* is amended by striking out "Superintendent granting or" in the second line and inserting in lieu thereof "registrar" and by striking out "in the application or" in the fifth and sixth lines, so that the section shall read as follows:

Notice of  
decision, etc.

24. A notice of every direction, decision, order or ruling of the registrar refusing to grant a licence, or refusing to renew a licence, or suspending or cancelling a licence, shall be served upon the collection agency or collector whose licence is thereby affected at the address appearing upon the records of the registrar.

R.S.O. 1960,  
c. 58, s. 25,  
subss. 2-4,  
re-enacted

**9.** Subsections 2, 3 and 4 of section 25 of *The Collection Agencies Act* are repealed and the following substituted therefor:

Notice of  
hearing

(2) Where a hearing and review are requested, the Superintendent shall send a notice in writing to the person who requested the review notifying him of the time and place of the hearing.

Evidence

(3) Upon a review, the Superintendent may hear such evidence as is submitted to him that in his opinion is relevant to the review, and he is not bound by any law respecting the admissibility of evidence, and the oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence, forms the record.

Power to  
summon  
witnesses,  
etc.

(4) Upon a review, the Superintendent has the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but the rules of court or of law relating to the service of subpoenas upon, and to the payment of conduct money or witness fees to, witnesses do not apply.



- (4a) Upon a review, the Superintendent may by order <sup>Power on review</sup> direct the registrar to make such direction, decision, order or ruling or to do such other act as the registrar is authorized to do under this Act or the regulations and as the Superintendent deems proper having regard to the material and submissions before him and to the provisions of this Act and the regulations, and the registrar shall make such direction, decision, order or ruling or do such act accordingly.

**10.** Section 27 of *The Collection Agencies Act* is amended <sup>R.S.O. 1960, c. 58, s. 27, amended</sup> by striking out "Superintendent" in the second line, in the fourth line and in the eighth line and inserting in lieu thereof in each instance "registrar".

**11.** Section 28 of *The Collection Agencies Act* is amended <sup>R.S.O. 1960, c. 58, s. 28, amended</sup> by striking out "Superintendent" in the second and third lines and inserting in lieu thereof "registrar".

**12.** Section 30 of *The Collection Agencies Act* is amended <sup>R.S.O. 1960, c. 58, s. 30, amended</sup> by striking out "Superintendent" in the fourth line and inserting in lieu thereof "registrar".

**13.** Section 31 of *The Collection Agencies Act* is repealed. <sup>R.S.O. 1960, c. 58, s. 31, repealed</sup>

**14.** Clause *c* of section 32 of *The Collection Agencies Act* is <sup>R.S.O. 1960, c. 58, s. 32, amended</sup> amended by striking out "Superintendent" in the second line and inserting in lieu thereof "registrar".

**15.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**16.** This Act may be cited as *The Collection Agencies Amendment Act, 1962-63*. <sup>Short title</sup>



## CHAPTER 17

**An Act to amend The Community Centres Act**

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 6 of *The Community Centres Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 60, s. 6,  
amended

(3a) Notwithstanding subsection 1, where in the establishment of a community centre under this Act, Appointment  
to board of  
persons not  
qualified to  
be elected to  
council

(a) aid in respect of the erection and maintenance thereof was granted by persons, societies or other bodies or municipalities not within the municipality that passed the by-law; or

(b) contributions to the cost thereof were made under an agreement for the joint use of the community centre,

the council of the municipality that passed the by-law may appoint as members of the board persons who are not qualified to be elected as members of the council, but the number of such persons appointed shall be less than one-half of the membership of the board.

**2.** *The Community Centres Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 60,  
amended

8a.—(1) In this section, “council of a band” and “reserve” have the same meanings as in the *Indian Act* (Canada). Interpre-  
tation  
R.S.C. 1952,  
c. 149

(2) The Minister may make grants to the council of a band to provide for the establishment of a community centre on its reserve on such terms and conditions as the Minister determines. Grants to  
councils of  
Indian  
bands

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Community Centres Amendment Act, 1962-63*.

## CHAPTER 18

## An Act to amend The Conditional Sales Act

*Assented to December 19th, 1962*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 5 and 7 of section 14 of *The Conditional Sales Act* are repealed. R.S.O. 1960,  
c. 61, s. 14,  
subss. 5, 7,  
repealed
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment
3. This Act may be cited as *The Conditional Sales Amendment Act, 1962-63*. Short title





## CHAPTER 19

**An Act to provide for the Observance and Commemoration of the Centennial of Confederation in Canada**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS the Centennial of the Canadian Confederation of which Ontario was one of the founding provinces will occur on the 1st day of July, 1967; Preamble

AND WHEREAS it is desirable that the historic significance of the Centennial should be observed and commemorated in an appropriate manner in co-operation with the National Centennial Administration of Canada under the *National Centennial Act* (Canada) and with the municipalities of Ontario under this Act; 1960-61,  
c. 60 (Can.)

AND WHEREAS it is expedient to enact a measure under which Centennial projects and events may be undertaken and provided for;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "Centennial" means the one hundredth anniversary of Confederation in Canada;
- (b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (c) "municipality" means a county, city, town, village, township or improvement district.

**2.—(1)** The Minister, by himself or in co-operation with one or more departments or agencies of the Government of Ontario or with the Government of Canada or one or more agencies thereof or with one or more provinces or munici-

Minister's  
powers,  
general

palities,

palities, may plan and carry out such projects and events as in his opinion are appropriate for the observance or commemoration of the Centennial.

Idem,  
grants to  
municipalities

(2) The Minister, with the approval of the Lieutenant Governor in Council and in accordance with the regulations, may make grants out of the moneys that are appropriated therefor by the Legislature to any municipality for the cost of any project or event to be undertaken in observance or commemoration of the Centennial.

Powers of  
municipalities

(3) Any municipality may make expenditures for, or grants toward, the observance or commemoration of the Centennial and may enter into agreements with the Crown in right of Canada or any one or more agencies thereof, the Crown in right of Ontario or any one or more agencies thereof, any one or more municipalities or with any one or more persons or associations with respect to the observance or commemoration of the Centennial.

Regulations

**3.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the terms and conditions upon which and the manner in which grants may be made by the Minister under this Act;
- (b) prescribing the plans and other matters that shall be submitted to the Minister with applications for grants under this Act;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Short title

**4.** This Act may be cited as *The Confederation Centennial Act, 1962-63*.

## CHAPTER 20

**An Act to amend  
The Conservation Authorities Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Conservation Authorities Act* is amended R.S.O. 1960,  
c. 62, s. 5,  
amended by inserting after "within" in the second line "the area comprising", so that the section shall read as follows:

5. Where the councils of any three municipalities situate either wholly or partly within the area comprising two or more watersheds by resolution request the Minister to call a meeting for the establishment of a conservation authority for such watersheds or any defined parts thereof, the provisions of sections 2 and 3 apply *mutatis mutandis*. Establishment of conservation authority

**2.** *The Conservation Authorities Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 62,  
amended

5a. All watersheds under the jurisdiction of an authority shall be adjoining. Watersheds to be adjoining

**3.—(1)** Subsection 1 of section 6 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 62, s. 6,  
subs. 1,  
re-enacted

(1) Where,

(a) an authority has been established for one or more watersheds; and

(b) the council of one municipality or the councils of any two or more municipalities by resolution request the Minister to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include one or more watersheds,

the

the Minister shall fix a time and place for such a meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality situate either wholly or partly within the watershed or watersheds to be included.

R.S.O. 1960,  
c. 62, s. 6,  
subs. 4,  
amended

(2) Subsection 4 of the said section 6 is amended by striking out "the adjoining watershed" in the seventh line and inserting in lieu thereof "one or more watersheds", so that the subsection shall read as follows:

Enlargement  
of authority

(4) Upon receipt by the Minister of a joint resolution passed at a meeting or adjourned meeting held under subsection 3 and at which a quorum was present, by not less than two-thirds of the members of the authority and not less than two-thirds of the municipal representatives thereat, requesting the enlargement of the area over which the authority has jurisdiction to include one or more watersheds, the Lieutenant Governor in Council may enlarge the area accordingly and may designate the additional municipalities that are the participating municipalities and the area over which the enlarged authority has jurisdiction.

R.S.O. 1960,  
c. 62, s. 20,  
subs. 1, cl. d  
(1961-62,  
c. 16, s. 9),  
re-enacted

4.—(1) Clause *d* of subsection 1 of section 20 of *The Conservation Authorities Act*, as re-enacted by section 9 of *The Conservation Authorities Amendment Act, 1961-62*, is repealed and the following substituted therefor:

(*d*) prohibiting or regulating the construction of any building or structure in or on a pond or swamp or in any area below the high-water mark of a lake, river, creek or stream;

(*e*) prohibiting or regulating the placing or dumping of fill of any kind in any defined part of the area over which the authority has jurisdiction in which in the opinion of the authority the control of flooding or pollution or the conservation of land may be affected by the placing or dumping of fill.

R.S.O. 1960,  
c. 62, s. 20,  
amended

(2) The said section 20 is amended by adding thereto the following subsection:

Order for  
removal of  
fill,  
structure,  
etc.

(4) In addition to any other remedy or penalty provided by law, the magistrate, upon making a conviction under subsection 3 for constructing a building or structure or placing or dumping fill in contravention of any regulation made under this section, may order



the person convicted to remove any such building, structure or fill within such time as the magistrate orders, and, if such person fails to comply with such order, the authority having jurisdiction in the area in which such building, structure or fill is situated may cause the building, structure or fill to be removed, and the cost thereof shall be borne and paid by the person convicted and is recoverable by the authority by action in a court of competent jurisdiction.

**5.** Section 21 of *The Conservation Authorities Act*, as amended by section 10 of *The Conservation Authorities Amendment Act, 1961-62*, is further amended by striking out "Lieutenant Governor in Council" in the first and second lines and inserting in lieu thereof "Minister", so that the section, exclusive of the clauses, shall read as follows:

21. Subject to the approval of the Minister, an authority may make regulations,

. . . . .

**6.** Subsection 8 of section 25 of *The Conservation Authorities Act* is amended by striking out "chief officer" in the fifth line and inserting in lieu thereof "chairman or vice-chairman of the authority", so that the subsection shall read as follows:

(8) Upon receipt of a notice of dissatisfaction, the authority shall forward to the secretary of the Ontario Municipal Board a true copy of the statement and written reasons of the advisory board and a copy of the plan and description, certified by the chairman or vice-chairman of the authority.

**7.** Section 35 of *The Conservation Authorities Act* is amended by adding thereto the following subsection:

(3) Notwithstanding subsections 1 and 2, section 34 of *The Assessment Act* applies *mutatis mutandis* in respect of lands owned by an authority.

**8.**—(1) This Act, except section 7, comes into force on the day it receives Royal Assent.

(2) Section 7 shall be deemed to have come into force on the 1st day of January, 1963.

**9.** This Act may be cited as *The Conservation Authorities Amendment Act, 1962-63*.



## CHAPTER 21

**An Act to amend  
The Construction Hoists Act, 1960-61**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Construction Hoists Act, 1960-61* is <sup>1960-61,  
c. 11, s. 20,  
amended</sup> amended by adding thereto the following subsection:
  - (3) No person shall provide a construction hoist or any part thereof for use by another person under any rental, leasing or other arrangement if such hoist or part is in unsafe condition. <sup>Renting,  
etc., of  
construction  
hoists</sup>
2. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.
3. This Act may be cited as *The Construction Hoists Amend-  
ment Act, 1962-63*. <sup>Short title</sup>



## CHAPTER 22

**An Act to amend  
The Construction Safety Act, 1961-62**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The long title to *The Construction Safety Act, 1961-62* is repealed and the following substituted therefor:

1961-62,  
c. 18,  
long title,  
re-enacted

An Act to provide for the Safety of Workmen during the Construction, Alteration, Repair, Demolition or Moving of Buildings and Other Types of Projects.

- 2.** Clause *f* of section 1 of *The Construction Safety Act, 1961-62* is repealed and the following substituted therefor:

1961-62,  
c. 18, s. 1,  
cl. *f*,  
re-enacted

(*f*) "project" means,

- (i) a building or other structure that is being constructed, altered, repaired, demolished or moved,
- (ii) a trench as defined in *The Trench Excavators' Protection Act* that is being excavated, altered, repaired or back-filled,
- (iii) a street or highway that is being built, altered, repaired, demolished or moved,
- (iv) a well that is being dug, drilled, altered, repaired or back-filled,

and includes all appurtenances thereof.

- 3.** Section 3 of *The Construction Safety Act, 1961-62* is amended by adding thereto the following subsection:

1961-62,  
c. 18, s. 3,  
amended

- (2) The Lieutenant Governor in Council may exempt any class of projects or any part of a project in any such class from this Act or the regulations or any provision of either of them.

Additional  
exemptions



1961-62,  
c. 18, s. 4,  
cl. b,  
amended

4.—(1) Clause *b* of section 4 of *The Construction Safety Act, 1961-62* is amended by striking out “when requested” in the first line, so that the clause shall read as follows:

- (b) instruct, advise and assist municipal inspectors in the carrying out of their duties under this Act; and

. . . . .

1961-62,  
c. 18,  
s. 4, cl. c,  
re-enacted

(2) Clause *c* of the said section 4 is repealed and the following substituted therefor:

- (c) enforce this Act and the regulations,

(i) in territory without municipal organization, and

(ii) in every municipality that is in a territorial district and that has a population of 5,000 or less according to the last municipal census.

1961-62,  
c. 18, s. 5,  
subs. 1,  
cls. b, c,  
re-enacted

5. Clauses *b* and *c* of subsection 1 of section 5 of *The Construction Safety Act, 1961-62* are repealed and the following substituted therefor:

(b) of every city, separated town and separated township;

(c) of every municipality that is in a territorial district and that has a population of more than 5,000 according to the last municipal census and that is not within clause *a* or *b*; and

. . . . .

1961-62,  
c. 18, s. 12,  
amended

6. Section 12 of *The Construction Safety Act, 1961-62* is amended by adding thereto the following subsection:

Experts

(2) An inspector, in the carrying out of his duties under this Act, may be accompanied by any person who has special or expert knowledge of any matter in question.

1961-62,  
c. 18, s. 15,  
amended

7. Section 15 of *The Construction Safety Act, 1961-62* is amended by striking out “employer of workmen on a project and the workmen” in the first and second lines and inserting in lieu thereof “person” and by striking out “or their” in the second line, so that the section shall read as follows:

Obstructing

15. Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act.

8. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section: <sup>1961-62,  
c. 18,  
amended</sup>

15a. Every municipality and every official who is responsible for granting permission to a person to commence work on a project shall, within seven days of the granting of the permission, notify the inspector appointed to enforce this Act at the project, <sup>Notice of  
building  
permits, etc.</sup>

(a) of the name and address of the person to whom the permission was granted;

(b) of the location and nature of the project; and

(c) of the estimated cost of the project.

9. Section 16 of *The Construction Safety Act, 1961-62* is amended by adding thereto the following subsection: <sup>1961-62,  
c. 18, s. 16,  
amended</sup>

(2) Every municipal inspector who submits a report under subsection 1 shall forthwith send a copy thereof to the Deputy Minister. <sup>Copy of  
report to  
Deputy  
Minister</sup>

10. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section: <sup>1961-62,  
c. 18,  
amended</sup>

19a. No person shall provide any machine, vehicle, tool or equipment, or any part thereof, for use by a person on a project under any rental, leasing or other arrangement if such machine, vehicle, tool, equipment or part is in an unsafe condition. <sup>Rented  
machine,  
etc., to  
be safe</sup>

11.—(1) Subsection 1 of section 20 of *The Construction Safety Act, 1961-62* is amended by striking out “seriously” in the second line and inserting in lieu thereof “critically”, so that the subsection shall read as follows: <sup>1961-62,  
c. 18,  
s. 20, subs. 1,  
amended</sup>

(1) Where a workman on a project is killed or is critically injured, his employer shall immediately notify an inspector by telephone, telegram or in person of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence. <sup>Fatal  
accidents</sup>

(2) The said section 20 is amended by adding thereto the following subsection: <sup>1961-62,  
c. 18, s. 20,  
amended</sup>

(1a) Within twenty-four hours of the receipt of a notice under subsection 1, the inspector shall notify the Deputy Minister of the occurrence mentioned therein. <sup>Notice to  
Deputy  
Minister</sup>

1961-62,  
c. 18, s. 20,  
subs. 2,  
re-enacted

(3) Subsection 2 of the said section 20 is repealed and the following substituted therefor:

Disturbance  
of wreckage

(2) Where a person on a project is killed or is critically injured, no person shall, except for the purpose of,

(a) saving life or relieving human suffering; or

(b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Construction Safety Amendment Act, 1962-63*.

## CHAPTER 23

# An Act to amend The Co-operative Loans Act

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11a of *The Co-operative Loans Act*, as enacted by section 1 of *The Co-operative Loans Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 67, s. 11a (1961-62, c. 19, s. 1), re-enacted

11a. Where a co-operative association that has erected a building or other structure on lands owned by a railway company and entered into a lease of the lands for a term of at least twenty years applies to the Board for, Extension of Act

(a) a loan, and the amount of the loan applied for is more than 50 per cent of the value of the real property of the co-operative association; or

(b) a guarantee of loan,

the Lieutenant Governor in Council may extend the application of this Act to the co-operative association on such terms as he deems proper, and in any such case the lease shall be deemed to be real property for the purposes of this Act.

11b. The Lieutenant Governor in Council may extend the application of this Act to The Ontario Flue-Cured Tobacco Growers' Marketing Board, established under *The Farm Products Marketing Act*, for the purpose of enabling it to carry out the purposes of the plan under which it was established, and, notwithstanding section 5, the security for any loan to, or guarantee of any bank loan on behalf of, The Ontario Flue-Cured Tobacco Growers' Marketing Idem R.S.O. 1960, c. 137

Board may be other than by a first mortgage on the real property of The Ontario Flue-Cured Tobacco Growers' Marketing Board.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Co-operative Loans Amendment Act, 1962-63*.



## CHAPTER 24

## An Act to amend The Corporations Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 3, amended

(1a) Notwithstanding subsection 1, where the objects for which the corporation is to be incorporated are in whole or in part of a social nature, the number of applicants shall be not fewer than ten. Social clubs

2.—(1) Subsection 1 of section 81 of *The Corporations Act* is amended by inserting after "partner" in the fourth line "employer", so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 81, subs. 1, amended

(1) Except as provided in subsection 2, no person shall be appointed as auditor of a company who is a director, officer or employee of that company or an affiliated company or who is a partner, employer or employee of any such director, officer or employee. Qualification of auditor

(2) Subsection 2 of the said section 81 is amended by inserting after "company" in the fourth line "or an affiliated company" and by inserting after "partner" in the fourth line "employer", so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 81, subs. 2, amended

(2) Upon the unanimous vote of the shareholders of a private company present or represented at the meeting at which the auditor is appointed, a director, officer or employee of that company or an affiliated company, or a partner, employer or employee of such director, officer or employee, may be appointed as auditor of that company, if it is not a subsidiary company of a company incorporated by any legislative jurisdiction in Canada which is not a private company within the meaning of this Act. Private companies

R.S.O. 1960,  
c. 71, s. 81,  
subs. 3,  
amended

(3) Subsection 3 of the said section 81 is amended by inserting after "partner" in the fourth line "employer", so that the subsection shall read as follows:

Notice

(3) A person appointed as auditor under subsection 2 shall indicate in his report to the shareholders on the annual financial statement of the company that he is a director, officer or employee of the company or a partner, employer or employee of such director, officer or employee.

R.S.O. 1960,  
c. 71, s. 87,  
amended

**3.—**(1) Section 87 of *The Corporations Act* is amended by adding thereto the following subsection:

Change in  
accounting  
practice

(1a) For the purpose of subsection 1, a change in accounting principle or practice or in the method of applying any accounting principle or practice affects the comparability of a statement with that for the preceding period, even though it did not have a material effect upon the profit or loss for the period.

R.S.O. 1960,  
c. 71, s. 87,  
subs. 2,  
amended

(2) Subsection 2 of the said section 87 is amended by adding thereto the following item:

14. Any event or transaction, other than one in the normal course of business operations, between the date to which the financial statement is made up and the date of the auditor's report thereon that materially affects the financial statement.

R.S.O. 1960,  
c. 71, s. 143,  
amended

**4.** Section 143 of *The Corporations Act* is amended by adding thereto the following subsection:

Use of name

(4) An insurer may use its name in such form and in such language as the letters patent or supplementary letters patent provide.

R.S.O. 1960,  
c. 71, s. 145,  
subs. 4,  
amended

**5.** Subsection 4 of section 145 of *The Corporations Act* is amended by striking out "\$5" in the fourth line and in the sixth line and inserting in lieu thereof in each instance "\$1".

R.S.O. 1960,  
c. 71, s. 151,  
subs. 13,  
amended

**6.** Subsection 13 of section 151 of *The Corporations Act* is amended by inserting after "fire" in the eighth line "property damage insurance, theft insurance or", so that the subsection shall read as follows:

Powers

(13) The powers of a mutual fire insurance corporation without guarantee capital stock shall be limited to undertaking contracts of fire insurance upon agricultural property, or property that is not mercantile or manufacturing or hazardous, on the premium note

plan in accordance with *The Insurance Act*, but may be extended by supplementary letters patent to include, in the case of property that it insures against fire, property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of *The Insurance Act*, but, if such powers are extended to include weather insurance, all liability for loss in excess of \$100 on any risk covered by weather insurance shall be re-insured with a licensed weather insurance company.

7.—(1) Clause *h* of subsection 2 of section 208 of *The Corporations Act* is repealed and the following substituted therefor:

(*h*) the bonds, debentures or other evidences of indebtedness of a corporation that are fully secured by a mortgage, charge or hypothec to the insurer upon real estate or to a trustee upon any, or upon any combination, of the following assets,

- (i) real estate,
- (ii) the plant or equipment of a corporation that is used in the transaction of its business, or
- (iii) bonds, debentures or other evidences of indebtedness or shares, of a class authorized by this subsection as investments, or cash balances,

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment.

(2) Clause *i* of subsection 2 of the said section 208 is repealed and the following substituted therefor:

(*i*) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a corporation incorporated in Canada or the United States of America to be used on railways or public highways, if the obligations or certificates are fully secured by,

- (i) an assignment of the transportation equipment to, or the ownership thereof, by the trustee, and
- (ii) a lease or conditional sale thereof by the trustee to the corporation.

R.S.O. 1960,  
c. 71, s. 208,  
subs. 2,  
amended

(3) Subsection 2 of the said section 208 is amended by adding thereto the following clause:

guaranteed  
investment  
certificates

- (ja) guaranteed investment certificates issued by a trust company incorporated in Canada that, at the date of the investment by the insurer therein, complied with the requirements described in subclause i of clause j in respect of the payment of dividends.

R.S.O. 1960,  
c. 71, s. 208,  
subs. 2, cl. o,  
re-enacted

(4) Clause o of subsection 2 of the said section 208 is repealed and the following substituted therefor:

real estate  
for the  
production  
of income

- (o) real estate or leaseholds for the production of income in Canada or elsewhere where the insurer is carrying on business, either alone or jointly with any other insurer or with any loan company or trust company incorporated in Canada, if,

- (i) a lease of the real estate or leasehold is made to, or guaranteed by, a corporation that, at the date of the investment by the insurer therein, complied with the requirements described in subclause i of clause j in respect of the payment of dividends,
- (ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the insurer in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and
- (iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 1 per cent of the book value of the total assets of the insurer,

and the insurer may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

R.S.O. 1960,  
c. 71, s. 208,  
subs. 3,  
amended

(5) Subsection 3 of the said section 208 is amended by inserting after "reorganization" in the second and third lines "or liquidation", so that the subsection shall read as follows:

Securities  
received on  
reorganiza-  
tion, liquida-  
tion or  
amalgama-  
tion

- (3) Where an insurer owns securities of a corporation and where as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not eligible as investments under subsection 2, the insurer may accept such

bonds,



bonds, debentures or other evidences of indebtedness or shares, but they shall be allowed as an asset of the insurer in the annual report prepared by the Superintendent for the Minister only for a period of five years after their acceptance, or such further period as the Lieutenant Governor in Council determines, unless it is shown to the satisfaction of the Lieutenant Governor in Council that such bonds, debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they become eligible as investments under subsection 2.

(6) Paragraph 3 of subsection 4 of the said section 208 is amended by striking out "3" in the fifth line and inserting in lieu thereof "5". R.S.O. 1960,  
c. 71, s. 208,  
subs. 4,  
par. 3,  
amended

(7) Subsection 8 of the said section 208 is amended by striking out "5" in the fourth line and inserting in lieu thereof "10". R.S.O. 1960,  
c. 71, s. 208,  
subs. 8,  
amended

8. Section 223 of *The Corporations Act* is amended by striking out "\$1,000" in the sixth line and inserting in lieu thereof "\$500". R.S.O. 1960,  
c. 71, s. 223,  
amended

9. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 71,  
amended

224a. Notwithstanding anything in the letters patent incorporating the company or in its by-laws or in this Act, a joint stock life insurance company may, with the permission of the minister charged with the administration of *The Insurance Act*, establish and implement a plan for the conversion of the company into a mutual company by the purchase of shares of the capital stock of the company in accordance with the Schedule to this Act. Conversion  
of joint  
stock life  
companies  
into mutual  
companies  
R.S.O. 1960,  
c. 190

10. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 71,  
amended

325a. Notwithstanding anything to the contrary in any Act, in any letters patent or in any supplementary letters patent, if it is made to appear to the satisfaction of the Provincial Secretary that a corporation that has objects in whole or in part of a social nature, Social clubs,  
cause for  
cancellation

(a) occupies and uses a house, room or place as a club that, except for paragraph *a* of subsection 2 of section 168 of the *Criminal Code* (Canada), would be a common gaming house within the meaning of paragraph *d* of subsection 1 of the said section 168; or 1953-54,  
c. 51 (Can.)

(b)



- (b) occupies premises that are equipped, guarded, constructed or operated so as to hinder or prevent lawful access to and inspection by police or fire officers, or are found fitted or provided with any means or contrivance for playing any game of chance or any mixed game of chance and skill, gaming or betting or with any device for concealing, removing or destroying such means or contrivance,

the Lieutenant Governor may make an order under subsection 1 of section 326.

R.S.O. 1960,  
c. 71, s. 326,  
amended

**11.** Section 326 of *The Corporations Act* is amended by adding thereto the following subsections:

Inquiry

- (1a) The Provincial Secretary, under such circumstances and at any time as he in his discretion thinks advisable, may authorize any officer of the Department of the Provincial Secretary to conduct an inquiry for the purpose of determining whether or not there is sufficient cause for the making of an order under subsection 1.

Powers of  
inquiring  
officer

- (1b) Every officer so authorized has the power to summon any person to appear before him as a witness in such inquiry and to require such person to give evidence on oath, touching any matter relevant to the purpose of the inquiry, and to produce such documents and things as such officer deems requisite for that purpose.

Witnesses

- (1c) Every such officer has the same power to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things as is vested in any court in civil cases.

Witness may  
be required  
to answer  
R.S.O. 1960,  
c. 125

- (1d) Section 9 of *The Evidence Act* applies to any witness and to the evidence given by him before any such officer in any such inquiry.

Appeal

- (1e) An appeal lies from an order made under subsection 1 to the Court of Appeal upon a question of law only.

Rules on  
appeal

- (1f) The rules and practice applicable to an appeal from a judge of the Supreme Court to the Court of Appeal are applicable, as nearly as may be, to an appeal under subsection 1e.

Provincial  
Secretary  
to be heard

- (1g) The Provincial Secretary is entitled to be heard, by counsel or otherwise, upon the argument of any such appeal.

(1h)

- (1*h*) No costs are payable by or to any person by reason of or in respect of any such appeal. No costs

**12.** *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 71,  
amended

326*a*. Notwithstanding its dissolution under section 326, a corporation continues in existence, Continuation  
of existence  
for limited  
period for  
particular  
purpose

- (*a*) for a period of three years after the date of its dissolution for the purpose only of prosecuting or defending any action, suit or other proceeding commenced by or against it prior to its dissolution; and

- (*b*) until such time, beyond the three-year period mentioned in clause *a*, if necessary, as any decree, order or judgment of a court of competent jurisdiction in any such action, suit or other proceeding is fully executed.

**13.**—(1) Section 339 of *The Corporations Act* is amended by inserting after “Act” in the third line “or the regulations made under this Act”, so that subsection 1 of the said section shall read as follows: R.S.O. 1960,  
c. 71, s. 339,  
amended

- (1) Every person who makes or assists in making a statement in any return, certificate, financial statement or other document required by or for the purposes of this Act or the regulations made under this Act, knowing it to be untrue, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both. Untrue  
statements

(2) The said section 339 is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 71, s. 339,  
amended

- (2) No prosecution under subsection 1 shall be commenced more than one year after the facts upon which the prosecution is based first came to the personal knowledge of the Provincial Secretary or Deputy Provincial Secretary. Limitation  
of action

**14.** *The Corporations Act* is amended by adding thereto the following schedule: R.S.O. 1960,  
c. 71,  
amended

## SCHEDULE

CONVERSION OF JOINT STOCK LIFE COMPANIES  
INTO MUTUAL COMPANIES

Details of  
plan to be  
set forth  
in by-law  
R.S.O. 1960,  
c. 71

1. The terms and provisions of any plan referred to in section 224*a* of *The Corporations Act* shall be set forth in detail in a by-law made by the directors and confirmed at a special general meeting of the company duly called for the purpose of considering the by-law, and there shall be recorded in the minutes of the meeting the number of votes for and the number of votes against confirmation of the by-law, the votes of shareholders and the votes of policyholders being recorded separately.

Sanction of  
by-law by  
Lieutenant  
Governor in  
Council

2. No such by-law becomes effective until sanctioned by the Lieutenant Governor in Council, and in no case shall any such by-law be sanctioned unless the Lieutenant Governor in Council is satisfied that,

- (a) the conversion of the company into a mutual company may reasonably be expected to be achieved under the terms of the by-law and in accordance with this paragraph;
- (b) the paid-up capital of the company has ceased to be an important factor in safeguarding the interests of the policyholders of the company, having regard to the quality and amount of the assets of the company, the surplus of the company relative to its liabilities, the nature of the business carried on by the company and any other considerations deemed by the Lieutenant Governor in Council to be relevant;
- (c) the majority of the votes cast by shareholders and the majority of the votes cast by policyholders at the special general meeting referred to in paragraph 1, whether in person or by proxy, were in favour of confirmation of the by-law;
- (d) the company holds offers from shareholders, in such terms as to preclude the withdrawal thereof prior to notice by the company in accordance with paragraph 13, to sell to the company, at a price fixed by the directors, not less than 25 per cent of all issued and outstanding shares of the capital stock of the company immediately upon the sanction of the by-law by the Lieutenant Governor in Council, or not less than 50 per cent of all issued and outstanding shares of the capital stock of the company within such period, commencing immediately upon the sanction of the by-law by the Lieutenant Governor in Council, as is specified in the by-law;
- (e) the amount required to purchase 25 per cent of the issued and outstanding shares of the capital stock of the company at the price fixed by the directors for the purposes of clause *d* does not exceed the maximum amount, determined in accordance with paragraph 9, that may be applied by the company, immediately upon the sanction of the by-law by the Lieutenant Governor in Council, in payment for shares purchased under the terms of the by-law; and
- (f) the price fixed by the directors for the purposes of clause *d* is fair and reasonable in the circumstances.

Prices to  
be paid for  
shares  
purchased  
under  
by-law

3. Upon the sanction of the by-law by the Lieutenant Governor in Council, the price fixed for the purposes of clause *d* of paragraph 2 shall continue to be the price that may be paid for shares purchased under the terms of the by-law until such price is changed by the directors in accordance with paragraph 4.

Change in  
price, when  
effective

4. The directors may from time to time change the price to be paid for shares purchased under the terms of the by-law, but no such change becomes effective until approved by the Minister on the report of the Superintendent.



5. The price fixed for the purposes of clause *d* of paragraph 2 and any subsequent change in price approved in accordance with paragraph 4 shall remain in effect for a period of not less than six months from the date of sanction of the by-law or the date of approval by the Minister, as the case may be. Period for which price to remain in effect

6. All shares purchased under the terms of the by-law shall be paid for by the company in full at the time of the purchase thereof, but nothing in this paragraph shall be construed as prohibiting the company from applying, in payment for any shares so purchased, the full amount of the purchase price thereof by promissory note, payable at a fixed or determinable future time not later than ten years from the date of the making thereof and bearing a rate of interest fixed by the directors and approved by the Minister on the report of the Superintendent. Payment

7. The by-law shall fix a day for the commencement of purchase of shares under the terms of the by-law, which day shall be not sooner than the day following the day the by-law is sanctioned by the Lieutenant Governor in Council. Date for commencement of purchase of shares

8. Subject to paragraph 9, the company shall purchase all shares offered for sale under the terms of the by-law on the day or days fixed by the terms of the offer in each case for the sale of those shares and at the price in effect on the day the offer was received or the day fixed by the by-law for the purposes of paragraph 7, whichever is the later, except that no such purchase shall be made prior to the day so fixed by the by-law. Purchase of shares offered for sale

9. Notwithstanding anything in this Schedule, the maximum amount that may be applied by the company at any particular time in payment for shares purchased under the terms of the by-law is the amount by which, Limitation

- (a) the aggregate of the surplus and general or contingency reserves of the company, after deducting the excess of the book value over the par value of any shares purchased under the terms of the by-law on or before the date as of which the condition and affairs of the company are required to be shown in the most recent annual statement as required by *The Corporations Act*,

R.S.O. 1960,  
c. 71

exceeds the aggregate of,

- (b) 6 per cent of the total assets of the company, or such lesser percentage of the total assets of the company as may be approved by the Lieutenant Governor in Council, upon application by the company, as safe and reasonable in the circumstances having regard to the bases and methods used in the computation of the policy reserves of the company, the quality of its assets, the nature of the business transacted by the company, the earnings of the company and any other matters deemed by the Lieutenant Governor in Council to be relevant thereto; and
- (c) the total amount applied by the company before that particular time in payment for any shares purchased under the terms of the by-law after the date referred to in clause *a*.

10. For the purposes of paragraph 9, the assets, surplus and general or contingency reserves of the company and the book value of any shares purchased under the terms of the by-law shall be taken as shown in the annual statement referred to in clause *a* of paragraph 9. Idem

11. Where, by reason of paragraph 9, the company may, at any particular time, purchase some but not all of the shares in respect of which offers for sale at that time have been received, the amount that may be applied by the company at that time in payment for shares purchased under the terms of the by-law shall be applied by the company by apportionment among all of the shares so offered for sale at that time, or any of them, in such manner as is specified in the by-law. Number of shares to be purchased from each shareholder offering shares

Register to  
be kept

12. The company shall cause a register to be kept in which shall be recorded the offers for sale of shares under the terms of the by-law in the order in which such offers are received by the company, showing, in respect of each such offer,

- (a) the date of receipt by the company of the offer;
- (b) the name and address of the shareholder making the offer;
- (c) the number of shares so offered by the shareholder making the offer and the day or days fixed by the terms of the offer for the sale of those shares;
- (d) the price at which each of the shares so offered may be purchased;
- (e) the date of purchase, if any, of each of the shares so offered and the number of shares purchased; and
- (f) the date of withdrawal, if any, of the offer and the number of shares affected thereby.

Notice to  
shareholders  
of discon-  
tinuation of  
purchases

13. Where, by reason of paragraph 9, the company is required to discontinue the purchase of shares under the terms of the by-law, the company shall give notice of such discontinuation to each shareholder on the register whose offer for the sale of shares has not been fully taken up by the company, but any such offer as regards shares not so purchased shall continue to be effective and shall maintain its place on the register until withdrawn by the shareholder by notice in writing to the company.

Shares  
purchased:  
general

14. Where the company has purchased any shares of the capital stock of the company under the terms of the by-law,

- (a) the number of policyholders' directors of the company shall at all times thereafter be not less than,
  - (i) one-third of the total number of directors, or
  - (ii) that proportion of the total number of directors, as nearly as may be, that the total number of shares purchased under the terms of the by-law is of the total number of shares outstanding immediately prior to the sanction of the by-law by the Lieutenant Governor in Council,

whichever is the greater, except that nothing in this clause shall be held to require an increase in the number of policyholders' directors except as vacancies occur among the shareholders' directors;

- (b) the company shall not thereafter sell any of the shares so purchased, issue any new capital stock or make any calls on shares of the capital stock subscribed;
- (c) any dividends thereafter payable to shareholders shall be at a rate not less than the average rate paid in the three years immediately preceding the sanction of the by-law by the Lieutenant Governor in Council, unless the company establishes to the satisfaction of the Minister that a reduction therein is justified by reason of the earnings and general financial condition of the company; and
- (d) shares purchased under the terms of the by-law rank equally with other shares in the declaration of dividends to shareholders, but any dividends that may be payable in respect of shares so purchased shall be paid by transfer of the applicable amount from the shareholders' account to the insurance funds of the company.

Idem

15. In respect of each share purchased under the terms of the by-law, until the capital stock of the company has been cancelled in accordance with paragraph 20,



- (a) the company may include in its assets shown in the annual statement required by *The Corporations Act* an amount not exceeding <sup>R.S.O. 1960, c. 71</sup> the purchase price of the share, minus one-fifth of the excess of the purchase price over the par value thereof for each complete year that has elapsed since the date of purchase of the share; and
- (b) the policyholders' directors shall have additional voting rights corresponding to the voting rights that might have been exercised by the holder of the share if he had not sold it, and, unless the by-law otherwise provides, such additional voting rights shall be divided as nearly as may be equally among the policyholders' directors, and the remainder, if any, shall be exercised by such one of the policyholders' directors as is designated for the purpose by resolution of all of the directors.

16. At such time as the company first acquires 90 per cent or more of the shares of its capital stock, it shall notify the Minister and each of the remaining shareholders of the company to that effect, and, for the purposes of this paragraph, notice to any shareholder shall be deemed to have been given by the company if the company has forwarded to him by registered mail, at his address shown in the book or books in which the names of the shareholders of the company are recorded, the notice required by this paragraph. <sup>Notice where 90 per cent or more of shares acquired by company</sup>

17. The notice required by paragraph 16 to be given to each of the remaining shareholders of the company shall request each such shareholder to offer his shares for sale forthwith to the company, and shall state therein the substance of paragraph 18. <sup>Contents of notice</sup>

18. All shares of a shareholder remaining outstanding at the expiration of six months from the date of the notice required by paragraph 16, or at the expiration of such further period as may be required by reason of paragraph 9, shall, upon tender by the company to the shareholder of an amount equal to the price in effect, <sup>Acquisition of remaining shares by company</sup>

- (a) in the case of shares in respect of which any offer for sale was received by the company prior to the date of the notice, on the day the offer was received; or

- (b) in the case of any other shares, on the date of the notice,

be deemed to have been purchased by the company, and, for the purposes of this paragraph, tender shall be deemed to have been made to a shareholder by the company if made to him in person or by registered mail forwarded to him at his address shown in the book or books referred to in paragraph 16.

19. Where tender of an amount in accordance with paragraph 18 has been made and the amount so tendered has not been accepted, the amount so tendered shall be retained by the company for payment to the person entitled thereto, and until so paid shall be shown on the books of the company as a liability. <sup>Amount tendered to be retained for payment</sup>

20. Where the company has purchased or is deemed by paragraph 18 to have purchased all of the shares of the capital stock of the company and the shares have been written down in the books of the company to their par value, the capital stock of the company shall thereupon be retired and cancelled by resolution of the board of directors, and the company shall then become a mutual company without capital stock, having for its members the participating policyholders and such other policyholders, if any, as may be authorized by by-law, and the directors shall take all necessary steps to reorganize the affairs of the company accordingly. <sup>Retirement and cancellation of capital stock</sup>

21. No change in any by-law of a company described in paragraph 1 shall be made after the sanction of the by-law by the Lieutenant Governor in Council, except by a subsequent by-law of the company made by the directors and confirmed at a special general meeting of the company duly called for that purpose, and no such subsequent by-law becomes effective until sanctioned by the Lieutenant Governor in Council. <sup>No change in by-law except with sanction of Lieutenant Governor in Council</sup>

Interpre-  
tation

22. In this Schedule, "Minister" means the member of the Executive Council charged for the time being by the Lieutenant Governor in Council with the administration of *The Insurance Act*, and "Superintendent" means the Superintendent of Insurance.

Commence-  
ment

**15.** This Act comes into force on the day it receives Royal Assent.

Short title

**16.** This Act may be cited as *The Corporations Amendment Act, 1962-63*.

## CHAPTER 25

## An Act to amend The Corporations Information Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5a of section 3 of *The Corporations Information Act*, as enacted by section 1 of *The Corporations Information Amendment Act, 1961-62*, is amended by adding at the end thereof “and the residence address, giving street and number, if any, of each such person”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 72, s. 3,  
subs. 5a  
(1961-62,  
c. 22, s. 1),  
amended

(5a) Every corporation to which subsection 1 applies shall file with the Provincial Secretary a notice of every change in the membership of its board of directors within fifteen days after the change has taken place, and the notice shall specify the date upon which each person became a director or ceased to be a director, as the case may be, and the residence address, giving street and number, if any, of each such person.

Changes in  
board of  
directors

(2) Subsections 5c and 5d of the said section 3, as enacted by section 1 of *The Corporations Information Amendment Act, 1961-62*, are repealed.

R.S.O. 1960,  
c. 72, s. 3,  
subs. 5c, 5d  
(1961-62,  
c. 22, s. 1),  
repealed

(3) Subsection 8 of the said section 3 is amended by striking out “The president or a director of a corporation” in the first line and inserting in lieu thereof “Every person” and by striking out “this section” in the third line and inserting in lieu thereof “subsection 3”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 72, s. 3,  
subs. 8,  
amended

(8) Every person who knowingly makes a statement false in any material particular in a certificate required by subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or both.

R.S.O. 1960,  
c. 72, s. 3,  
amended

(4) The said section 3 is amended by adding thereto the following subsections:

Limitation  
upon prose-  
cutions

(8a) No prosecution under subsection 8 shall be commenced more than one year after the facts upon which the prosecution is based first come to the personal knowledge of the Provincial Secretary or Deputy Provincial Secretary.

Onus of  
proof

(8b) In a prosecution under subsection 8, the onus is upon the accused to establish that he did not know that the statement was false or that he had reasonable grounds to believe that the statement was true.

Certificate  
as proof

(14) A certificate purporting to be under the seal of the Provincial Secretary and under the hand of the Provincial Secretary or the Deputy Provincial Secretary that the person named in the certificate on the date or during the period specified in the certificate is shown on the records in the office of the Provincial Secretary as a director or officer of the corporation named in the certificate is admissible as *prima facie* proof in a prosecution or action under this section that such person is so shown and that such person is or was a director or officer, as the case may be, of such corporation on such date or during such period, without proof of the seal of office of the Provincial Secretary or of the signature or of the official character of the person appearing to have signed the certificate.

Commence-  
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Corporations Information Amendment Act, 1962-63*.



## CHAPTER 26

## An Act to amend The Corporations Tax Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 35 of section 4 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 4, subs. 35, re-enacted

- (35) Where a corporation has a permanent establishment in Ontario and has received income in the fiscal year in the form of dividends, interest, rents or royalties that was derived from sources within a jurisdiction outside Canada, hereinafter in this subsection referred to as "foreign investment income", or where a corporation having received foreign investment income in the fiscal year from sources within a jurisdiction outside Canada also received income in the fiscal year from a business carried on by it in that jurisdiction, hereinafter in this subsection referred to as "foreign business income", and where, for the purposes of subsection 1a of section 41 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purposes of subsections 5, 17, 18, 20, 22, 23 and 33, or such of those subsections as are applicable, has been excluded when calculating its gross revenue, or any part thereof, and where the corporation is entitled to a deduction under section 41 of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income, the corporation may deduct from the tax otherwise payable under this section an amount equal to the lesser of, Foreign tax credits

- (a) 9 per cent of that part of such foreign investment income that is included in that portion



of taxable income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario measured in accordance with subsections 5 to 34; or

- (b) the proportion of the deficiency between the foreign tax credit that would be allowed if no provincial tax abatement under section 40 of the *Income Tax Act* (Canada) were applicable and the foreign tax credit that is allowed when the provincial tax abatement provided by section 40 of the *Income Tax Act* (Canada) has been applied which,

R.S.C. 1952,  
c. 148

- (i) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada),

bears to,

- (ii) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada).

R.S.O. 1960,  
c. 73, s. 4,  
subs. 36,  
repealed

- (2) Subsection 36 of the said section 4, as amended by section 1 of *The Corporations Tax Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,  
c. 73, s. 4,  
amended

- (3) The said section 4 is amended by adding thereto the following subsections:

Logging  
tax credit

- (36) There may be deducted from the tax otherwise payable for a fiscal year by a corporation an amount equal to one-third of the tax payable by the corporation for the same fiscal year under *The Logging Tax Act*.

R.S.O. 1960,  
c. 224

Interpre-  
tation

- (36a) In subsection 36, "tax otherwise payable" means the tax for the fiscal year otherwise payable by the corporation under this section after making any deduction applicable under subsection 2.

2. Section 17 of *The Corporations Tax Act*, as amended by R.S.O. 1960, section 5 of *The Corporations Tax Amendment Act, 1961-62*,<sup>c. 73, s. 17, amended</sup> is further amended by striking out "and" at the end of clause *h* in the amendment of 1961-62, by adding "and" at the end of clause *i* in the amendment of 1961-62, and by adding thereto the following clause:

- (j) amounts received by the corporation in the fiscal year in consideration for the disposition of a right, licence or privilege to explore for, drill for or take petroleum or natural gas in Canada, as provided by subsection 4*b* or 4*c* of section 57.<sup>proceeds from disposition of rights, etc.</sup>

3.—(1) Clause *l* of subsection 1 of section 22 of *The Corporations Tax Act* is repealed and the following substituted therefor:<sup>R.S.O. 1960, c. 73, s. 22, subs. 1, cl. 1, re-enacted</sup>

- (l) such amount in respect of expenditures on scientific research as is permitted by section 47 or by section 47*a*.<sup>scientific research</sup>

(2) Clause *p* of subsection 1 of the said section 22 is repealed and the following substituted therefor:<sup>R.S.O. 1960, c. 73, s. 22, subs. 1, cl. *p*, re-enacted</sup>

- (*p*) such amount in respect of taxes on income for the fiscal year from mining operations as is permitted by the regulations.<sup>mining taxes</sup>

4. Subsection 4 of section 23 of *The Corporations Tax Act* is repealed and the following substituted therefor:<sup>R.S.O. 1960, c. 73, s. 23, subs. 4, re-enacted</sup>

- (4) Clause *c* of subsection 1 does not apply in respect of an outlay or expense made or incurred by a corporation, at a time when more than 50 per cent of its property consisted of property leased to a subsidiary-controlled corporation subsidiary to it or shares in the capital stock of, bonds, debentures, mortgages or hypothecs of or bills or notes of a subsidiary-controlled corporation subsidiary to it, for the purpose of gaining or producing income in the form of dividends from any such corporation or in connection with property in the form of shares in the capital stock thereof.<sup>Application of subs. 1, cl. *c*</sup>

5. Section 40 of *The Corporations Tax Act* is amended by adding thereto the following subsection:<sup>R.S.O. 1960, c. 73, s. 40, amended</sup>

- (1*a*) Where a corporation in a fiscal year received a dividend from a non-resident corporation that is taxable under subsection 2 of section 2 of the *Income Tax Act* (Canada) for that year, the corporation<sup>Idem R.S.C. 1952, c. 148</sup>

shall

shall deduct from its income for the same fiscal year the same amount in respect of such dividend as the corporation was allowed to deduct under subsection 10 of section 28 of the *Income Tax Act* (Canada).

R.S.O. 1960,  
c. 73, s. 47,  
subs. 1, cl. a,  
amended

6.—(1) Clause *a* of subsection 1 of section 47 of *The Corporations Tax Act*, as amended by subsection 1 of section 16 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by striking out “and” at the end of subclause iv in the amendment of 1961-62 and by adding thereto the following subclause:

- (v) by payments to a corporation resident in Canada for scientific research related to the business of the corporation; and

. . . . .

R.S.O. 1960,  
c. 73, s. 47,  
subs. 1, cl. b,  
amended

(2) Clause *b* of subsection 1 of the said section 47, as amended by subsection 2 of section 16 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by striking out “the lesser of” in the first line and inserting in lieu thereof “such amount as may be claimed by the corporation not exceeding the lesser of”, so that the clause, exclusive of the subclauses, shall read as follows:

- (b) such amount as may be claimed by the corporation not exceeding the lesser of,

. . . . .

R.S.O. 1960,  
c. 73, s. 47,  
subss. 2  
(1961-62,  
c. 23, s. 16,  
subs. 3), 3,  
re-enacted

(3) Subsection 2, as re-enacted by subsection 3 of section 16 of *The Corporations Tax Amendment Act, 1961-62*, and subsection 3 of the said section 47 are repealed and the following substituted therefor:

Determina-  
tion of  
what  
constitutes  
scientific  
research

- (2) The determination of whether any particular activity constitutes scientific research will be the same as the determination of the Minister of National Revenue under subsection 2 of section 72 of the *Income Tax Act* (Canada).

R.S.C. 1952,  
c. 148

Exception

- (3) No deduction may be made under this section or section 47*a* in respect of an expenditure made to acquire rights in, or arising out of, scientific research or in respect of an amount deducted from income under section 39 in respect of a gift to a charitable organization.

(4) Subsection 4 of the said section 47 is amended by inserting after "section" in the first line "and in section 47a", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,  
c. 73, s. 47,  
subs. 4,  
amended

(4) In this section and in section 47a,

Interpre-  
tation

(5) Clauses *b* and *c* of subsection 4 of the said section 47 are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 47,  
subs. 4,  
cls. *b*, *c*,  
re-enacted

(b) "scientific research" has the meaning given to that expression by regulation;

(c) references to expenditures on scientific research include only expenditures incurred for and wholly attributable to the prosecution, or the provision of facilities for the prosecution, of scientific research in Canada.

7. *The Corporations Tax Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 73,  
amended

47a.—(1) In addition to the deductions allowed for the fiscal year by section 47, a corporation, other than a corporation referred to in subsection 2, that carried on business in Canada and made expenditures in respect of scientific research in a fiscal year may deduct, in computing its income for the fiscal year, 50 per cent of the amount by which,

Additional  
deduction  
for scientific  
research

(a) the aggregate of,

- (i) all expenditures of a current nature made in Canada in the fiscal year, as described in sub-clauses i to v of clause *a* of subsection 1 of section 47, on scientific research, and
- (ii) all expenditures of a capital nature made in Canada, by acquiring property other than land, in the fiscal year on scientific research,

exceeds,

(b) the aggregate of,

- (i) the base scientific expenditure of the corporation, and

(ii)



- (ii) any amount paid to the corporation in the fiscal year in respect of scientific research undertaken by the corporation,

- (A) by Her Majesty in right of Canada or a province,

- (B) by a person resident in Canada, or

- (C) by a person not resident in Canada if such person is entitled, in respect of the payment, to a deduction in computing his income by virtue of subclause v of clause a of subsection 1 of section 47.

Deduction  
by  
associated  
corporation

(2) In addition to the deductions allowed for the fiscal year by section 47, a corporation that carried on business in Canada and made expenditures in respect of scientific research in a fiscal year and that was associated with one or more corporations in the fiscal year or in the last fiscal year of the corporation that ended before the 11th day of April, 1962, may deduct, in computing its income for the fiscal year, an amount determined by the following rules:

1. Determine the amount, if any, by which,

- (a) the aggregate of the expenditures described in subclauses i and ii of clause a of subsection 1 made in the fiscal year by the corporation,

exceeds,

- (b) the aggregate of the base scientific expenditure of the corporation and any amount paid to the corporation in the fiscal year as described in subclause ii of clause b of subsection 1;

2. Determine the amount, if any, by which,

- (a) the aggregate of all expenditures described in subclauses i and ii of clause a of subsection 1,

- (i) made by the corporation in the fiscal year, or

- (ii) made by each corporation associated with the corporation in the fiscal year, in the associated corporation's fiscal year that ended in the same calendar year as the fiscal year referred to in subclause i,

exceeds,



exceeds,

(b) the aggregate of,

- (i) the base scientific expenditures of the corporation and of each corporation associated with the corporation in the fiscal year,
- (ii) the base scientific expenditures of each corporation,
  - (A) that was associated with the corporation in the last fiscal year of the corporation that ended before the 11th day of April, 1962,
  - (B) that was not associated with the corporation in the fiscal year, and
  - (C) in respect of which substantially all the business that was carried on by such corporation in Canada in its last fiscal year that ended before the 11th day of April, 1962, was acquired in any manner whatsoever by the corporation or one or more corporations associated with the corporation in the fiscal year, and
- (iii) all amounts described in subclause ii of clause *b* of subsection 1,
  - (A) paid to the corporation in the fiscal year, or
  - (B) paid to each corporation associated with the corporation in the fiscal year, in the associated corporation's fiscal year that ended in the same calendar year as the year referred to in paragraph A;

**3. Ascertain the aggregate of,**

- (a) the amount calculated under paragraph 1; and

(b)

(b) the amount calculated pursuant to paragraph 1 for each corporation that is associated with the corporation in the fiscal year; and

4. Determine the amount equal to 50 per cent of that portion of the amount determined under paragraph 2 that,

(a) the amount determined under paragraph 1, is of,

(b) the aggregate ascertained under paragraph 3,

and the amount determined under paragraph 4 is the amount that may be deducted in computing the income for the fiscal year of the corporation.

Base  
scientific  
expenditure  
defined

(3) For the purposes of subsections 1 and 2, the base scientific expenditure of a corporation is the aggregate of all expenditures of a current or of a capital nature, by acquiring property other than land, made in Canada by the corporation in the last fiscal year of the corporation that ended before the 11th day of April, 1962, on scientific research related to the business of the corporation, but, where the corporation had no fiscal year that ended before the 11th day of April, 1962, its base scientific expenditure is nil.

Disposition  
of property

(4) Where property, other than land, acquired by a corporation by expenditures of a capital nature made in Canada by the corporation on scientific research has, in a fiscal year, been disposed of by the corporation, there shall be included in computing the income of the corporation for the year the lesser of,

(a) an amount equal to 50 per cent of,

(i) the proceeds of disposition of the property, or

(ii) the capital cost to the corporation of the property,

whichever is the lesser; or

(b) an amount equal to,

(i) the aggregate of each amount deductible under subsection 1 or 2, as the case may be, in computing the income of the corporation for the fiscal year and each previous fiscal year,

minus,

(ii)

- (ii) the aggregate of each amount included by virtue of this subsection in computing the income of the corporation in respect of a previous disposition of property.

(5) For the purpose of clause *b* of subsection 4, the amount deductible under subsection 1 or 2, as the case may be, in computing the income of a corporation for a fiscal year shall not include any amount in excess of 50 per cent of the expenditures of a capital nature made in Canada by the corporation, by acquiring property other than land, in the fiscal year on scientific research.

8.—(1) Clause *b* of subsection 1 of section 57 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 73, s. 57,  
subs. 1, cl. *b*,  
re-enacted

(*b*) of that aggregate, an amount equal to the income of the corporation for the fiscal year,

(i) if no deduction were allowed under clause *b* of subsection 2 of section 22, and

(ii) if no deduction were allowed under this section,

minus the deductions allowed for the fiscal year by subsections 8 and 10*a* of this section and by subsection 1 of section 40.

(2) Clause *b* of subsection 2 of the said section 57 is amended by striking out "year by subsection 8" in the seventh and eighth lines and inserting in lieu thereof "fiscal year by subsections 8 and 10*a*". R.S.O. 1960,  
c. 73, s. 57,  
subs. 2, cl. *b*,  
amended

(3) Clause *c* of subsection 3 of the said section 57 is amended by striking out "end of the fiscal year" in the eleventh line and inserting in lieu thereof "11th day of April, 1962". R.S.O. 1960,  
c. 73, s. 57,  
subs. 3, cl. *c*,  
amended

(4) Clause *d* of subsection 3 of the said section 57 is amended by striking out "and 8" in the eighth line and inserting in lieu thereof "8 and 10*a*". R.S.O. 1960,  
c. 73, s. 57,  
subs. 3, cl. *d*,  
amended

(5) The said section 57, as amended by section 6 of *The Corporations Tax Amendment Act, 1960-61* and section 19 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following subsections: R.S.O. 1960,  
c. 73, s. 57,  
amended

(3*b*) A corporation the principal business of which is,

- (*a*) production, refining or marketing of petroleum, petroleum products or natural gas, or exploring or drilling for petroleum or natural gas;

Deduction  
from  
income of  
petroleum  
corporation,  
etc.

(*b*)

- (b) mining or exploring for minerals;
- (c) processing mineral ores for the purpose of recovering metals therefrom;
- (d) a combination of,
  - (i) processing mineral ores for the purpose of recovering metals therefrom, and
  - (ii) processing metals recovered from the ores so processed; or
- (e) fabricating metals,

may deduct, in computing its income under this Part for a fiscal year, the lesser of,

- (f) the aggregate of such of,
  - (i) the drilling and exploration expenses, including all general geological and geo-physical expenses, incurred by it on or in respect of exploring or drilling for petroleum or natural gas in Canada, and
  - (ii) the prospecting, exploration and development expenses incurred by it in searching for minerals in Canada, as were incurred after the 10th day of April, 1962, and before the end of the fiscal year, to the extent that they were not deductible in computing income for a previous fiscal year; or
- (g) of that aggregate, an amount equal to its income for the fiscal year,
  - (i) if no deduction were allowed under clause *b* of subsection 2 of section 22, and
  - (ii) if no deduction were allowed under this section,

minus the deductions allowed for the fiscal year by subsections 1, 2, 3, 7, 8 and 10*a* of this section and by subsection 1 of section 40.



- (3c) A joint exploration corporation may, in a fiscal year, elect in prescribed form to renounce in favour of another corporation described in subsection 3*b* an agreed portion of the aggregate of such of,
- Joint exploration corporation may renounce expenses

- (a) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by the joint exploration corporation on or in respect of exploring or drilling for petroleum or natural gas in Canada; and
- (b) the prospecting, exploration and development expenses incurred by the joint exploration corporation in searching for minerals in Canada,

as were incurred by the joint exploration corporation, during a period, after the calendar year 1956 and before the 11th day of April, 1962, throughout which the other corporation was a shareholder corporation, to the extent that the aggregate of such expenses exceeds any amount deductible under subsection 3 in respect thereof by the joint exploration corporation in computing its income for any fiscal year previous to the year in which the election was made, and upon the election the said agreed portion,

- (c) shall be deemed, for the purpose of subsection 3*b*, to be expenses described in clauses *a* and *b* incurred by the other corporation in the fiscal year of the corporation in which the election was made; and

- (d) shall be subtracted from the aggregate described in clause *c* of subsection 3 in determining the amount deductible by the joint exploration corporation under subsection 3 in computing its income.

- (3d) A joint exploration corporation may, in a fiscal year, elect in prescribed form to renounce in favour of another corporation described in subsection 3*b* an agreed portion of the aggregate of such of,
- Idem

- (a) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by the joint exploration corporation on or in respect of exploring or drilling for petroleum or natural gas in Canada; and

(b)



- (b) the prospecting, exploration and development expenses incurred by the joint exploration corporation in searching for minerals in Canada,

as were incurred by the joint exploration corporation during a period, after the 10th day of April, 1962, and before the end of the fiscal year, throughout which the other corporation was a shareholder corporation, to the extent that the aggregate of such expenses exceeds any amount deductible under subsection 3*b* in respect thereof by the joint exploration corporation in computing its income for any taxation year previous to the year in which the election was made, and upon the election the said agreed portion,

- (c) shall be deemed, for the purpose of subsection 3*b*, to be expenses described in clauses *a* and *b* incurred by the other corporation in the fiscal year of the corporation in which the election was made; and

- (d) shall be subtracted from the aggregate described in clause *f* of subsection 3*b* in determining the amount deductible by the joint exploration corporation under subsection 3*b* in computing its income.

Interpre-  
tation

- (3*e*) For the purposes of subsections 3*c* and 3*d*,

- (a) "joint exploration corporation" means a corporation,

- (i) whose principal business is of a class described in clause *a* or *b* of subsection 3, and

- (ii) that has not at any time since its incorporation had more than ten shareholders, not including any individual holding a share for the sole purpose of qualifying as a director;

- (b) a "shareholder corporation" of a joint exploration corporation means a corporation that for the period in respect of which the expression is being applied,

- (i) was a shareholder of the joint exploration corporation,

(ii)

- (ii) was a corporation whose principal business was of the class described in subsection 3*b*, and
  - (iii) made payments to the joint exploration corporation in respect of the expenses incurred by the joint exploration corporation referred to in clauses *a* and *b* of subsection 3*c* or 3*d*, as the case may be; and
- (*c*) "agreed portion" in respect of a corporation that was a shareholder corporation of a joint exploration corporation means such amount as may be agreed upon between the joint exploration corporation and the other corporation not exceeding,
- (i) the payments referred to in subclause iii of clause *b* made by the other corporation to the joint exploration corporation during the period it was a shareholder corporation in respect of the expenses incurred by the joint exploration corporation referred to in clauses *a* and *b* of subsection 3*c* or 3*d*, as the case may be,

minus,

- (ii) the aggregate of the amounts, if any, previously renounced by the joint exploration corporation under subsection 3*c* or 3*d*, as the case may be, in favour of the other corporation.

(6) Subsection 4 of the said section 57 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 57,  
subs. 4,  
re-enacted

- (4) A corporation, other than a corporation described in subsection 3*b*, may deduct, in computing its income under this Part for a fiscal year, the lesser of,

Deduction  
from  
income of  
corporation

(*a*) the aggregate of such of,

- (i) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by it on or in respect of exploring or drilling for petroleum or natural gas in Canada, and

(ii)

- (ii) the prospecting, exploration and development expenses incurred by it in searching for minerals in Canada,

as were incurred after the 10th day of April, 1962, and before the end of the fiscal year, to the extent that they were not deductible in computing income for a previous fiscal year; or

- (b) of that aggregate, an amount equal to its income for the fiscal year from,

- (i) operating an oil or gas well in Canada in which the corporation has an interest, and

- (ii) royalties in respect of an oil or gas well in Canada,

if no deductions were allowed under clause *b* of subsection 2 of section 22.

Limitation  
in respect  
of payments  
for  
exploration  
and  
development  
rights

- (4a) In computing a deduction under subsection 1 or 2, no amount shall be included in respect of a payment for or in respect of a right, licence or privilege to explore for, drill for or take petroleum or natural gas, acquired before the 11th day of April, 1962, other than an annual payment not exceeding \$1 per acre.

Exploration  
and  
drilling  
rights,  
payments  
deductible

- (4b) Where a corporation has, after the 10th day of April, 1962, acquired under an agreement or other contract or arrangement a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, under which agreement, contract or arrangement there was not acquired any other right to, over or in respect of the land in respect of which such right, licence or privilege was so acquired, except the right to enter upon, use and occupy so much of the land as may be necessary for the purpose of exploiting such right, licence or privilege, an amount paid in respect of the acquisition thereof shall, for the purpose of subsections 3*b*, 3*d* and 4, be deemed to be a drilling or exploration expense on or in respect of exploring or drilling for petroleum or natural gas in Canada incurred at the time of such payment.

Receipts for  
exploration  
and drilling  
rights  
included  
in income

- (4c) Where a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, is disposed of by a corporation described in subsection 3*b*

after

after the 10th day of April, 1962, any amount received by the corporation as consideration for the disposition thereof shall be included in computing its income for its fiscal year in which the amount was received, unless the corporation acquired such right, licence or privilege before the 11th day of April, 1962, and disposed of it before the 9th day of November, 1962.

(4d) Where a right, licence or privilege to explore for, <sup>Idem</sup> drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, that was acquired after the 10th day of April, 1962, by a corporation, other than a corporation described in subsection 3b, is subsequently disposed of, any amount received by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year in which the amount was received.

(4e) Subsections 4c and 4d do not apply to any disposition <sup>Idem</sup> by a corporation of any right, licence or privilege described in subsection 4b or 4c unless such right, licence or privilege was acquired by the corporation under an agreement, contract or arrangement described in subsection 4b.

(4f) For the purposes of subsections 4c and 4d, <sup>Idem</sup>

(a) where a corporation has disposed of any interest in land that includes a right, licence or privilege described in subsection 4b that was acquired under an agreement, contract or arrangement described in that subsection, the proceeds of disposition of such interest shall be deemed to be proceeds of disposition of the right, licence or privilege; and

(b) where a corporation has acquired a right, licence or privilege described in subsection 4b under an agreement, contract or arrangement described in that subsection and subsequently disposes of any interest,

(i) in such right, licence or privilege, or

(ii) in the production of wells situated on the land to which such right, licence or privilege relates,

the proceeds of disposition of such interest shall be deemed to be the proceeds of disposition of the right, licence or privilege.



R.S.O. 1960,  
c. 73, s. 57,  
subs. 5,  
amended

(7) Subsection 5 of the said section 57 is amended,

- (a) by inserting after "and" in the fourteenth line "acquired the rights, before the 11th day of April, 1962, in respect of which the amount was so paid and";
- (b) by striking out "its" in the sixteenth line and inserting in lieu thereof "the"; and
- (c) by inserting after "3" in the twenty-first line "3b or 3d".

R.S.O. 1960,  
c. 73, s. 57,  
subs. 7,  
cl. d,  
subcl. ii,  
re-enacted

(8) Subclause ii of clause d of subsection 7 of the said section 57 is repealed and the following substituted therefor:

- (ii) if no deduction were allowed under subsection 3b or this subsection.

R.S.O. 1960,  
c. 73, s. 57,  
subs. 8,  
cls. c, d, da  
(1961-62,  
c. 23, s. 19,  
subs. 1,  
cl. e),  
repealed

(9) Clauses c and d, as amended by clauses c and d of subsection 1 of section 19 of *The Corporations Tax Amendment Act, 1961-62*, and clause da, as enacted by clause e of subsection 1 of section 19 of *The Corporations Tax Amendment Act, 1961-62*, of subsection 8 of the said section 57 are repealed.

R.S.O. 1960,  
c. 73, s. 57,  
subs. 8,  
cl. e,  
subcl. iv,  
re-enacted

(10) Subclause iv of clause e of subsection 8 of the said section 57 is repealed and the following substituted therefor:

- (iv) would, but for the provisions of clause b of subsection 1, clause b of subsection 2, clause d of subsection 3, clause g of subsection 3b and clause d of subsection 7, or of any of those clauses or this subsection, have been deductible by the predecessor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the successor corporation; or

. . . . .

R.S.O. 1960,  
c. 73, s. 57,  
subs. 8,  
amended

(11) Subsection 8 of the said section 57 is amended,

- (a) by inserting after "of" in the seventy-first line "any";
- (b) by inserting after "for" in the seventy-fourth line "a fiscal year subsequent to"; and
- (c) by striking out "or its income for any subsequent fiscal year" in the seventy-fifth and seventy-sixth lines.



(12) Subsection 8a of the said section 57, as enacted by <sup>R.S.O. 1960,</sup> subsection 2 of section 19 of *The Corporations Tax Amendment* <sup>c. 73, s. 57,</sup> *Act, 1961-62*, is amended by inserting before "in" where it <sup>subs. 8a</sup> occurs the first time in the twenty-first line "before the 11th <sup>(1961-62,</sup> day of April, 1962". <sup>c. 23, s. 19,</sup> <sup>subs. 2),</sup> <sup>amended</sup>

(13) The said section 57 is further amended by adding <sup>R.S.O. 1960,</sup> thereto the following subsection: <sup>c. 73, s. 57,</sup> <sup>amended</sup>

(10a) Notwithstanding subsection 7, where a corporation, <sup>Property</sup> hereinafter in this subsection referred to as the <sup>acquired</sup> "second successor corporation", whose principal <sup>by second</sup> business is of the class described in subsection 3b, <sup>successor</sup> has at any time after the 10th day of April, 1962, <sup>corporation</sup> acquired from a corporation, hereinafter in this subsection referred to as the "first successor corporation", that was a successor corporation within the meaning of subsection 8, all or substantially all of the property of the first successor corporation used by it in carrying on in Canada its principal business, there may be deducted by the second successor corporation, in computing its income under this Part for a fiscal year, the lesser of,

(a) the aggregate determined by adding the expenses referred to in subclauses i and ii of clause e of subsection 8 for the purpose of determining the deduction allowable to the first successor corporation under subsection 8 in computing its income for a previous fiscal year, to the extent that such expenses,

(i) were not deductible by the second successor corporation or any other corporation in computing its income for a previous fiscal year, and were not deductible by the first successor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the second successor corporation, and

(ii) would, but for the provisions of clause f of subsection 8, have been deductible by the first successor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the second successor corporation; or

(b)

(b) of that aggregate, an amount equal to such part of its income for the fiscal year,

(i) if no deduction were allowed under clause *b* of subsection 2 of section 22, and

(ii) if no deduction were allowed under this section,

minus any deduction allowed for the fiscal year by subsection 1 of section 40, as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells, or the production of minerals from mines, situated on property from which the predecessor of the first successor corporation within the meaning of subsection 8 had, immediately before the acquisition by the first successor corporation of the property so acquired by the second successor corporation, a right to take or remove petroleum or natural gas or a right to take or remove minerals, and, in respect of any such expenses included in the aggregate determined under clause *a*, no deduction may be made under this section by the first successor corporation in computing its income for a fiscal year subsequent to its fiscal year in which the property so acquired was acquired by the second successor corporation.

R.S.O. 1960,  
c. 73, s. 65,  
subs. 2,  
amended

9.—(1) Subsection 2 of section 65 of *The Corporations Tax Act*, as amended by subsections 2, 3 and 4 of section 7 of *The Corporations Tax Amendment Act, 1960-61* and subsections 1 and 2 of section 22 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following paragraphs:

Scientific  
research

12. For the purpose of section 47*a*, where the amalgamation of the two or more corporations was after the 10th day of April, 1962, the base scientific expenditure of the new corporation is an amount equal to the aggregate of the base scientific expenditure of each of the predecessor corporations.

Exploration

13. For the purpose of section 57, where a predecessor corporation had acquired a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, under an agreement, contract or arrangement described in subsection 4*b* of section 57 and, by virtue of the amalgamation, that right, licence or privilege, or any interest,

(a)

- (a) in such right, licence or privilege, or
- (b) in the production of wells, situated on the land to which such right, licence or privilege relates,

became the property of the new corporation, the new corporation shall be deemed to have acquired the right, licence or privilege under an agreement, contract or arrangement described in subsection 4b of section 57.

14. For the purpose of computing a deduction from the income of the new corporation for a fiscal year under clause *c* of subsection 1 of section 60 or subsection 6 of section 60, any amount included in computing the income of a predecessor corporation for its last fiscal year or a previous fiscal year, by virtue of clause *a* of subsection 1 of section 60, shall be deemed to have been included in computing the income of the new corporation for a previous fiscal year by virtue thereof. Special reserves

(2) Subclause iv of clause *e* of subsection 3 of the said section 65 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 73, s. 65,  
subs. 3, cl. *e*,  
subcl. iv,  
re-enacted

- (iv) would, but for the provisions of clause *b* of subsection 1 of section 57, clause *b* of subsection 2 of section 57, clause *d* of subsection 3 of section 57, clause *g* of subsection 3b of section 57, and clause *d* of subsection 7 of section 57, or any of those clauses, have been deductible by the predecessor corporation in computing its income for its last fiscal year; or
- . . . . .

(3) Subsection 4 of the said section 65, as enacted by subsection 4 of section 22 of *The Corporations Tax Amendment Act, 1961-62*, is amended by inserting before "if" in the sixteenth line "and acquired the rights, before the 11th day of April, 1962, in respect of which the amount was so paid". R.S.O. 1960,  
c. 73, s. 65,  
subs. 4,  
(1961-62,  
c. 23, s. 22,  
subs. 4),  
amended

**10.—**(1) Section 5 applies in respect of fiscal years of corporations ending in 1957 and in respect of subsequent fiscal years. Application of Act

(2) Subsection 2 of section 1 applies in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years. Idem

- Idem (3) Subsection 3 of section 1 and subsection 2 of section 3 apply in respect of fiscal years of corporations commencing after 1961.
- Idem (4) Subsection 11 of section 8 applies in respect of fiscal years of corporations ending after the 10th day of April, 1962.
- Idem (5) Subsections 1, 2 and 3 of section 47a of *The Corporations Tax Act*, as enacted by section 7, apply in respect of fiscal years of corporations ending in 1962 to 1966, inclusive.
- Idem (6) Subsections 4 and 5 of section 47a of *The Corporations Tax Act*, as enacted by section 7, and paragraphs 13 and 14 of subsection 2 of section 65 of *The Corporations Tax Act*, as enacted by subsection 1 of section 9, apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years.
- Idem (7) Subsection 1 of section 1, section 2, subsection 1 of section 3, sections 4 and 6, subsections 1 to 10 and 12 and 13 of section 8, and subsections 2 and 3 of section 9, apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years.
- Commence-  
ment **11.** This Act comes into force on the day it receives Royal Assent.
- Short title **12.** This Act may be cited as *The Corporations Tax Amendment Act, 1962-63*.



## CHAPTER 27

**An Act to amend The County Courts Act**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 10 of *The County Courts Act* is <sup>R.S.O. 1960,</sup> amended by striking out "November" in the fourth line and <sup>c. 76, s. 10,</sup> inserting in lieu thereof "the last Monday in October", so <sup>subs 6,</sup> that the subsection shall read as follows: <sup>amended</sup>

- (6) In each year the sittings of the county court of the <sup>Middlesex</sup> county of Middlesex for the trial of issues of fact and assessments of damages shall commence with or without a jury on the second Monday in May and the last Monday in October and without a jury on the first Monday in April and October.

2. This Act may be cited as *The County Courts Amendment* <sup>Short title</sup> *Act, 1962-63.*





## CHAPTER 28

## An Act to amend The County Judges Act

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 9 of *The County Judges Act*, R.S.O. 1960, c. 77, s. 9, as amended by subsection 1 of section 5 of *The County Judges Amendment Act, 1961-62*, is repealed and the following substituted therefor: subs. 1, re-enacted

(1) There shall be paid,

Judges' allowances

(a) to the chief judge, an allowance at the rate of \$7,000 per annum;

(b) to the judge of the county court of the county of York, an allowance at the rate of \$4,500 per annum;

(c) to the judge of every other county and district court, to every junior judge of a county or district court, and to every judge for the county and district courts of the counties and districts of Ontario, an allowance at the rate of \$3,500 per annum.

(2) Subsections 2, 3, 4 and 5 of the said section 9 are repealed and the following substituted therefor:

R.S.O. 1960, c. 77, s. 9, subs. 2, re-enacted; subss. 3-5, repealed

(2) The allowances under subsection 1 are payable monthly out of the Consolidated Revenue Fund.

When allowances payable

(3) Subsection 9 of the said section 9, as enacted by subsection 2 of section 5 of *The County Judges Amendment Act, 1961-62*, is repealed.

R.S.O. 1960, c. 77, s. 9, subs. 9 (1961-62, c. 25, s. 5, subs. 2), repealed

Commence-  
ment

**2.**—(1) This Act shall be deemed to have come into force on the 1st day of January, 1963.

1962  
allowance  
under  
R.S.O. 1960,  
c. 77, s. 9,  
subss. 2, 3

(2) Every allowance payable under subsection 2 or 3 of section 9 of *The County Judges Act* in respect of the year 1962 shall, notwithstanding any other provision in that behalf, be paid out of the Consolidated Revenue Fund at the rate of \$2,000 per annum.

Short title

**3.** This Act may be cited as *The County Judges Amendment Act, 1962-63*.

## CHAPTER 29

## An Act to amend The Crown Attorneys Act

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Crown Attorneys Act*, as re-enacted by R.S.O. 1960, c. 82, s. 5, section 2 of *The Crown Attorneys Amendment Act, 1961-62*, (1961-62, c. 26, s. 2), is amended by adding thereto the following subsection: amended

(2) When there is a vacancy in the office of Crown attorney, the Deputy Attorney General may appoint a member of the Bar of Ontario to act *pro tem* as Crown attorney until the vacancy is filled by the Lieutenant Governor in Council. Idem

2. Subsection 4 of section 7 of *The Crown Attorneys Act* is amended by striking out "a judge of a county or district court" in the first and second lines and inserting in lieu thereof "the Deputy Attorney General", so that the subsection shall read as follows: R.S.O. 1960, c. 82, s. 7, subs. 4, amended

(4) Every Crown Attorney appointed *pro tem* by the Deputy Attorney General is entitled to the fees of his office, including the fees receivable from his office as clerk of the peace. Crown attorneys pro tem

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Crown Attorneys Amendment Act, 1962-63*. Short title





## CHAPTER 30

**An Act to amend  
The Custody of Documents Act**

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 5 of section 4 of *The Custody of Documents Act* is amended by adding at the end thereof "or shall record the same at full length by means of photographic film reproduction", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 85, s. 4,  
subs. 5,  
amended

(5) The registrar shall copy in full in a proper registry book every document deposited under this Act or shall record the same at full length by means of photographic film reproduction.

Documents  
to be  
copied or  
microfilmed

**2.** Subsection 2 of section 5 of *The Custody of Documents Act* is repealed.

R.S.O. 1960,  
c. 85, s. 5,  
subs. 2,  
repealed

**3.** Section 6 of *The Custody of Documents Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 85, s. 6,  
re-enacted

6.—(1) The registrar with whom a deposit is made is entitled to the fees prescribed by the regulations.

Registrar's  
fees

(2) The prescribed fees shall be paid to the registrar at the time of the deposit by the person making the deposit.

Idem

**4.** Subsection 1 of section 7 of *The Custody of Documents Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 85, s. 7,  
subs. 1,  
re-enacted

(1) A receipt for payment of money on a registered instrument may be deposited in the registry office in which the instrument is registered.

Deposit of  
receipts

**5.** Subsection 4 of section 13 of *The Custody of Documents Act* is amended by striking out "the sum of 50 cents" in the third line and inserting in lieu thereof "the prescribed fee", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 85, s. 13,  
subs. 4,  
amended

Delivery  
under  
order

- (4) Upon the delivery to the registrar of the order or a duplicate thereof within six months after the date thereof, and upon payment to him of the prescribed fee, he shall deliver to the person mentioned therein the documents therein directed to be given to him, taking therefor his receipt or the receipt of his authorized agent.

R.S.O. 1960,  
o. 85,  
amended

**6.** *The Custody of Documents Act* is amended by adding thereto the following section:

Regulations

14. The Lieutenant Governor in Council may make regulations,

- (a) respecting the books and records to be kept by registrars of deeds for the purposes of this Act;
- (b) requiring the payment of fees to registrars of deeds upon the performance of any official function under this Act and prescribing the amounts thereof;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**7.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**8.** This Act may be cited as *The Custody of Documents Amendment Act, 1962-63*.

## CHAPTER 31

## An Act to amend The Dental Technicians Act

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Dental Technicians Act*, as amended by <sup>R.S.O. 1960, c. 90, s. 2, amended</sup> section 1 of *The Dental Technicians Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

- (1a) The Board is hereby constituted a corporation and <sup>Board a corporation</sup> the Board may, for its purposes, purchase, acquire, hold, mortgage, lease and dispose of real and personal property.

2. Subsection 1 of section 3 of *The Dental Technicians Act*, <sup>R.S.O. 1960, c. 90, s. 3, subs. 1, amended</sup> as amended by section 2 of *The Dental Technicians Amendment Act, 1960-61*, is further amended by adding thereto the following clauses:

- (ba) providing for the examination of applicants for registration and prescribing the fees payable for such examination;
- (bb) providing for the establishment of a committee of examiners to conduct examinations and prescribing the fees payable to examiners.

3. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

4. This Act may be cited as *The Dental Technicians* <sup>Short title</sup> *Amendment Act, 1962-63*.



## CHAPTER 32

**An Act to amend  
The Department of Education Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Department of Education Act* is repealed. R.S.O. 1960,  
c. 94, s. 7,  
repealed
2. Subsection 1 of section 13 of *The Department of Education Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 94, s. 13,  
subs. 1,  
re-enacted
  - (1) The Crown in right of Ontario, represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada represented by the Minister of Labour of Canada respecting technical and vocational training and represented by the Minister of National Health and Welfare of Canada respecting physical fitness. Technical  
and  
vocational  
agreements,  
etc.
- 3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-  
ment
- (2) Section 1 comes into force on the 1st day of January, 1964. Idem
4. This Act may be cited as *The Department of Education Amendment Act, 1962-63*. Short title





## CHAPTER 33

# **An Act to amend The Department of Labour Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of subsection 1 of section 10 of *The Department of Labour Act* is amended by striking out “open caisson work” in the first line and inserting in lieu thereof “caissons”, so that the clause shall read as follows:

R.S.O. 1960,  
c. 97, s. 10,  
subs. 1,  
cl. *b*,  
amended

(*b*) in the construction of tunnels and caissons.

(2) Clause *c* of subsection 1 of the said section 10 is amended by striking out “and crib work in water or other places where pressure of sand, water or soil is likely to endanger human life” in the first, second and third lines, so that the clause shall read as follows:

R.S.O. 1960,  
c. 97, s. 10,  
subs. 1, cl. *c*,  
amended

(*c*) in the construction of coffer dams.

(3) Subsection 1 of the said section 10 is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 97, s. 10,  
subs. 1,  
amended

(*d*) excluding any class of work from the application of any or all of the regulations made under this subsection.

(4) Clause *b* of subsection 2 of the said section 10 is amended by striking out “regulating” in the first line and inserting in lieu thereof “respecting”, so that the clause shall read as follows:

R.S.O. 1960,  
c. 97, s. 10,  
subs. 2, cl. *b*,  
amended

(*b*) respecting the processing, installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation or any class of them.

R.S.O. 1960,  
c. 97, s. 10,  
subs. 2, cl. f,  
amended

(5) Clause *f* of subsection 2 of the said section 10 is amended by striking out "requiring and prescribing" in the first line and inserting in lieu thereof "respecting", so that the clause shall read as follows:

- (f) respecting the medical examination of persons who have or may come in contact with ionizing radiation, prescribing by whom the cost of the examination is to be borne, and requiring a report of the examination to a designated person.

R.S.O. 1960,  
c. 97, s. 10,  
subs. 2, cl. j,  
amended

(6) Clause *j* of subsection 2 of the said section 10 is amended by striking out "regulating or prohibiting" in the first and second lines and inserting in lieu thereof "respecting", so that the clause shall read as follows:

- (j) designating classes of persons and respecting the employment of any person or class of persons in the processing, installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation, or in the vicinity of sources of ionizing radiation.

R.S.O. 1960,  
c. 97, s. 11,  
re-enacted

**2.** Section 11 of *The Department of Labour Act* is repealed and the following substituted therefor:

Stop-work  
orders

- 11.—(1) Where an inspector is of the opinion that any work on any undertaking or any part thereof to which any Act or regulation administered by the Department applies is being done in a manner or under conditions that are dangerous to life or property, he may, by written order to any person responsible for or in charge of the work, require the immediate cessation of the work or any part thereof that he considers dangerous.

Idem

- (2) Where an inspector has made an order under subsection 1, he may permit such work as may be done safely and that is necessary to eliminate the dangerous condition.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Department of Labour Amendment Act, 1962-63*.

## CHAPTER 34

**An Act to amend  
The Department of Municipal Affairs Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 13 of *The Department of Municipal Affairs Act* is amended by inserting after "Act" in the third line "*The Public Schools Act and The Secondary Schools and Boards of Education Act*", so that the clause shall read as follows:

R.S.O. 1960,  
c. 98, s. 13,  
cl. b,  
amended

(b) order that the tax arrears procedures of this Act shall apply and that the tax sale procedures of *The Assessment Act, The Public Schools Act and The Secondary Schools and Boards of Education Act* shall not apply, and in such case the use or disposition of land vested in the municipality under the tax arrears procedures and the application of the proceeds of such use or disposition are subject to the approval of the Department.

R.S.O. 1960,  
cc. 23, 330,  
362

2. Subsection 4 of section 47 of *The Department of Municipal Affairs Act* is amended by striking out "Immediately upon" in the first line and inserting in lieu thereof "Within ninety days after", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 98, s. 47,  
subs. 4,  
amended

(4) Within ninety days after registration of a tax arrears certificate, the treasurer shall cause to be sent by registered mail to the last known address of the assessed owner of the land therein described and to all persons appearing by the records of the registry or land titles office and the sheriff's office to have an interest therein a written notice (Form 2) of the registration of such certificate and of the last day for redemption of the land.

Notice of  
registration  
certificate

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1962-63*.



## CHAPTER 35

**An Act to amend  
The Dependants' Relief Act**

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 8 of *The Dependants' Relief Act* is amended by R.S.O. 1960, c. 104, s. 8, striking out "person" in the first line and inserting in lieu thereof "personal".

**2.** This Act may be cited as *The Dependants' Relief Amendment Act, 1962-63*. Short title



## CHAPTER 36

**An Act regulating  
Deposits Solicited from the Public**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "advertisement" includes any form of advertising in any media or any act, conduct, communication or negotiation or any display, writing or statement made, done, issued or published to members of the public or in a public place;
- (b) "Commission" means the Ontario Securities Commission;
- (c) "corporation" means any incorporated corporation, incorporated association, incorporated syndicate or other incorporated organization, including corporations that do not deal with each other at arm's length or that would be deemed not to deal with each other at arm's length under section 1 of *The Corporations Tax Act*; R.S.O. 1960,  
c. 73
- (d) "deposit" means a loan of money at interest or at a discount or repayable at a premium in money or otherwise made to any person or corporation one of whose principal businesses is lending money, dealing in mortgages of real or personal property or purchasing accounts receivable, but does not include a loan of money to any corporation in connection with the issue and sale of its bonds, debentures, notes or other written evidences of indebtedness;
- (e) "members of the public" means any section or segment of the public without regard to the numbers thereof;

(f)

(f) "person" means an individual, partnership, unincorporated association, unincorporated organization and a syndicate other than an incorporated syndicate, including persons who are related persons or who would be deemed to be related persons under section 1 of *The Corporations Tax Act*;

R.S.O. 1960,  
c. 73

(g) "regulations" means the regulations made under this Act;

(h) "short term securities" means bonds, debentures or other evidences of indebtedness maturing within 180 days from the date of acquisition thereof and authorized for purchase or investment by registered loan corporations or registered loaning land corporations under subsection 1 of section 137 of *The Loan and Trust Corporations Act*; and

R.S.O. 1960,  
c. 222

(i) "solicitation of deposits" means any advertisement calculated directly or indirectly to lead to or induce the deposit of money or the investment of money on deposit by members of the public, and any reference to soliciting deposits shall be construed accordingly.

Application  
of Act

## 2. This Act does not apply to,

1953-54,  
c. 48 (Can.)

(a) any bank to which the *Bank Act* (Canada) applies;

R.S.O. 1960,  
c. 222

(b) any corporation to which *The Loan and Trust Corporations Act* applies;

R.S.O. 1960,  
c. 79

(c) any credit union to which *The Credit Unions Act* applies;

R.S.O. 1960,  
c. 194

(d) any issuer within the meaning of *The Investment Contracts Act*;

R.S.O. 1960,  
c. 71

(e) any corporation to which Part V of *The Corporations Act* applies;

R.S.C. 1952,  
c. 212

(f) any post office savings bank established under the *Post Office Act* (Canada);

R.S.O. 1960,  
c. 9

(g) the Province of Ontario Savings Office constituted under *The Agricultural Development Finance Act*;

R.S.O. 1960,  
c. 190

(h) any insurer to which *The Insurance Act* applies;

R.S.O. 1960,  
c. 244

(i) any mortgage broker registered under *The Mortgage Brokers Registration Act*; or

(j)

- (j) any person or corporation or any class of persons or corporations that is exempted by the regulations.

3. No person or corporation shall solicit deposits in any manner that is false, misleading, deceptive or likely to create an erroneous impression. <sup>Improper solicitation of deposits</sup>

4.—(1) No advertisement soliciting deposits shall be made, done, issued or published in any manner whatsoever without such advertisement first having been submitted to the Commission for its review and certification as complying with the provisions of this Act and the regulations, and no such advertisement shall be made, done, issued or published without such certification. <sup>Advertisements for deposits</sup>

(2) Any person or corporation who or which, in the ordinary course of business, makes, issues or publishes an advertisement soliciting deposits on the order or direction of another person or corporation, being an advertisement the making, issue or publication of which by such other person or corporation constitutes an offence under this Act, is not guilty of such offence if the matter or material contained in such advertisement was not devised or selected by such person or corporation or under his or its direction or control. <sup>Exemption for publishers</sup>

5.—(1) Every person or corporation accepting or receiving deposits from members of the public shall set aside and segregate and hold separate from the other assets of any such person or corporation as security for such deposits cash on hand or deposited in any bank to which the *Bank Act* (Canada) applies or short term securities in an amount or principal amount aggregating not less than 60 per cent of the aggregate amount of such deposits. <sup>Security for deposits</sup> <sup>1953-54, c. 48, (Can.)</sup>

(2) Every person or corporation accepting or receiving deposits from members of the public shall keep records of such deposits and the particulars of the security therefor in the form and content prescribed by the Commission. <sup>Records</sup>

(3) Every person or corporation accepting or receiving deposits from members of the public shall furnish to the Commission a return in the prescribed form on or before the first days of January, April, July and October in each year containing information as to the particulars of the security for such deposits certified by the auditor or accountant of such person or corporation. <sup>Returns</sup>

(4) Any duly authorized representative of the Commission appointed by order of the Commission may at any reasonable time inspect the books, accounts, documents and other <sup>Inspection</sup>



records kept by any person or corporation receiving or accepting deposits from members of the public and may require any officer, director or employee of any such person or corporation to furnish such information as the Commission deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with.

Powers  
upon  
inspection

(5) For the purposes of subsection 4, any such representative of the Commission has the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents, records and things and to seize and take possession of any documents, records, securities or other property as is provided in subsections 3 and 4 of section 21 of *The Securities Act*.

R.S.O. 1960,  
c. 363

Fees

6. Any advertisement submitted to the Commission for review and certification and every return, record or other information required to be filed with the Commission shall be accompanied by the fee prescribed by the regulations.

Offences,  
persons

7.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both.

Idem,  
corporations

(2) Every corporation that contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000.

Idem,  
officers,  
etc., of  
corporations

(3) Where a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and on summary conviction is liable to the fine or imprisonment or to both provided in subsection 1 whether or not the corporation has been prosecuted or convicted.

Regulations

8. The Lieutenant Governor in Council may make regulations,

(a) exempting persons or corporations or any class thereof from the application of this Act;

(b) prescribing the requirements with respect to the submission to the Commission, for its review and certification, of advertisements that solicit deposits;

(c) prescribing the form and content of records of deposits and particulars of the security therefor;

(d)

- (d) prescribing the return to be furnished to the Commission by persons or corporations receiving or accepting deposits containing information as to the particulars of security therefor;
- (e) prescribing and providing for fees under this Act;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**9.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**10.** This Act may be cited as *The Deposits Regulation Act*, Short title 1962-63.



## CHAPTER 37

**An Act to establish Welfare Administration Boards in Territorial Districts**

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**Interpre-  
tation

- (a) "board" means a district welfare administration board established under section 3;
- (b) "council" means the council of a municipality, and includes the board of trustees of an improvement district;
- (c) "district" means a territorial or electoral district named in section 2;
- (d) "Minister" means the Minister of Public Welfare;
- (e) "municipality" means a town, village, township or improvement district to which this Act applies as determined under section 2;
- (f) "regulations" means the regulations made under this Act;
- (g) "welfare services" means,

- (i) any class of assistance administered under *The General Welfare Assistance Act*,

R.S.O. 1960,  
c. 164

- (ii) the services of a homemaker or nurse that are furnished under *The Homemakers and Nurses Services Act*;

R.S.O. 1960,  
c. 173

- (iii) the expenditures for the hospitalization of indigent persons,

(iv)

R.S.O. 1960,  
c. 53

- (iv) the expenditures for the payment of the rate under section 24 or 27 of *The Child Welfare Act* for the care and maintenance of a child or children by a children's aid society,

and includes such other welfare services as are designated by the regulations.

Application

**2.** This Act applies to the towns, villages, townships and improvement districts in the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Muskoka, Nipissing, Parry Sound, Rainy River, Sudbury and Timiskaming, and in the electoral districts of Fort William and Port Arthur, but a municipality having a population of more than 15,000 may by by-law, subject to the approval of the Minister, exempt itself from the application of this Act.

Establish-  
ment of  
district  
welfare  
adminis-  
tration  
board

**3.—(1)** A district welfare administration board shall be established and maintained for a district by all the municipalities in the district when a by-law authorizing the establishment of the board has been passed by a majority of the municipalities in the district.

Transmission  
of by-law

(2) When a by-law is passed under subsection 1, a certified copy thereof shall be transmitted forthwith to the Minister.

Composition  
of board

(3) A board shall be a corporation and shall consist of,

(a) not fewer than three and not more than five members appointed jointly by all the municipalities in the district for a term not exceeding one year expiring on the 1st day of April in each year; and

(b) two members appointed by the Lieutenant Governor in Council for a term not exceeding three years.

Municipal  
members

(4) Each member of a board appointed by the municipalities shall, when appointed, be a member of the council of a municipality in the district, and, where a member of the board ceases to be a member of a council before his term as a member of the board has expired, he may complete the unexpired portion of his term.

Powers and  
duties of  
boards

**4.—(1)** Where a board is established for a district, all the powers, duties and responsibilities that are given by any other Act to the councils of the municipalities in the district in respect of the provision and administration of welfare services are vested in the board.

Welfare  
adminis-  
trator

(2) Every board shall, with the approval of the Minister, appoint a welfare administrator and such other staff as is necessary.



5. Where a board is established for a district, any contribution that is payable by the Province for welfare services to a municipality in the district shall be paid instead to the board.

Payments for welfare services made to board

6.—(1) For the purposes of this Act, the assessor of a territorial district or, if there is no district assessor, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities in each district for which a board is established.

Assessment to be revised and equalized

(2) Each board shall in each year apportion among the municipalities in the district the amount that it estimates will be required to defray the expenditures for welfare services for that year, including the expenses incurred for the administration of welfare services, and shall on or before the 25th day of February notify the clerk of each such municipality of the amount to be provided by that municipality.

Estimates and apportionment

(3) In preparing the estimates, the board may provide for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year.

Reserve for working funds

(4) Each municipality shall include the amount required to be provided by it under this section in its estimates for the then current year, and shall levy and collect the amount in like manner as taxes and pay the amount to the board on demand.

Levy and collection

(5) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the district assessor or the Department of Municipal Affairs under subsection 1 before the 10th day of February, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed.

Where assessments not equalized in time

(6) Where in any year the last revised assessment rolls of the municipalities in a district are revised and equalized and have been appealed, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments as revised and equalized, and in that case shall re-apportion the amount and make the necessary adjustments in accordance with the decision of the Ontario Municipal Board or the judgment of a court.

Where equalized assessment appealed

7.—(1) In the first year in which a board is established for a district, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature,

Provincial grant for first year

direct payment to the board of a per capita grant in accordance with the population of each municipality in the district in the amount prescribed by the regulations for that district to assist the board to carry out the purposes of this Act during the first year.

When grant  
paid out of  
Consolidated  
Revenue  
Fund

(2) A grant made under subsection 1 before the 1st day of April, 1964, shall be paid out of the Consolidated Revenue Fund.

Deter-  
mination of  
population  
R.S.O. 1960,  
c. 23

8. For the purposes of this Act, the population of a municipality shall be as determined by the latest census made by the assessor of the municipality under *The Assessment Act*.

Regulations

9. The Lieutenant Governor in Council may make regulations,

- (a) adding to the welfare services mentioned in clause g of section 1;
- (b) governing applications for grants under section 7, and the method, time and manner of the payment of the grants;
- (c) prescribing the per capita amount for each district to which the Act applies for the purposes of section 7;
- (d) providing for the appointment of a chairman of a board, and fixing the term of office of the chairman;
- (e) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;
- (f) prescribing forms and providing for their use;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The District Welfare Administration Boards Act, 1962-63*.

## CHAPTER 38

## An Act to amend The Division Courts Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 162 of *The Division Courts Act* is amended by R.S.O. 1960, striking out "\$200" in the fifth line and inserting in lieu amended c. 110, s. 162, thereof "\$400 where the court is in a county and \$800 where the court is in a provisional judicial district", so that the section shall read as follows:

162. Notwithstanding subsection 1 of section 161, where a judgment is transferred under subsection 3 of section 129 and a consolidation order has been made against the judgment debtor, the clerk of the court shall add the judgment to the consolidation order but only to the extent of \$400 where the court is in a county and \$800 where the court is in a provisional judicial district. Addition of Supreme and county court judgments to consolidation orders

2. Subsection 2 of section 186 of *The Division Courts Act* is amended by striking out "five" in the sixth line and inserting in lieu thereof "ten", so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 186, subs. 2, amended

(2) Where the plaintiff requires a jury, he shall give notice thereof to the clerk one week before the sittings of the court at which the action is to be tried and deposit with him the proper fees for the expenses attending the summoning of the jury, and, where a claimant or a defendant requires a jury, he shall, within ten days after the day of service of the summons on him, give to the clerk the like notice and deposit with him the proper fees, and thereupon, in either case, a jury shall be summoned. Notice to clerk

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Division Courts Amendment Act, 1962-63*. Short title



## CHAPTER 39

**The Drainage Act, 1962-63**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "benefit" means the benefit to any land from the construction, improvement or maintenance of a drainage works;
- (b) "construction" means the original opening, making, excavating, building or completing of a drainage works;
- (c) "county" includes a provisional judicial district;
- (d) "county court" includes a district court;
- (e) "court of revision" means a court of revision constituted under *The Assessment Act*;
- (f) "drainage works" includes a drain constructed by any means, including the improving of a stream, creek or watercourse, and includes works necessary to control the water table or level within or on agricultural lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof;
- (g) "engineer" means an engineer registered as a professional engineer under *The Professional Engineers Act*, or a surveyor registered under *The Surveyors Act*;
- (h) "initiating municipality" means the local municipality undertaking the construction, improvement or maintenance of a drainage works to which this Act applies;

R.S.O. 1960,  
c. 23

R.S.O. 1960,  
cc. 309, 389

(i)



- (i) "injuring liability" means the part of the cost of the construction, improvement or maintenance of a drainage works required to relieve the owner of any land or road from liability for injury caused by water artificially made to flow from such land or road upon any other land or road;
- (j) "judge" means a judge of the county or district court of the county or district in which the municipality assessing lands or roads for a drainage works is situate;
- (k) "maintenance" means the preservation and keeping in repair of a drainage works;
- (l) "Minister" means the Minister of Municipal Affairs;
- (m) "outlet liability" means the part of the cost of the construction, improvement or maintenance of a drainage works that is required to provide such outlet or improved outlet;
- (n) "owner" includes a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;
- (o) "public utility" means a person having jurisdiction over any waterworks, sewage works, electric heat, light and power works, telegraph and telephone lines, or gasworks, including works for the production, transmission, distribution and supply of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or any mixture or combination of the foregoing;
- (p) "referee" means the referee appointed under this Act;
- (q) "sufficient outlet" means a point at which water can be discharged safely so that it will do no injury to lands or roads. R.S.O. 1960, c. 252, s. 1, *amended*.

Mutual  
agreement  
re drainage  
works

2.—(1) When two or more owners of land desire to construct or improve a drainage works on any of their lands and are willing to pay the cost thereof, they may enter into a written agreement for the construction, improvement, financing and maintenance of such drainage works, which shall include the following:

1. A reference to *The Drainage Act, 1962-63*.

2.

2. Descriptions of the lands of the parties to the agreement sufficient for the purposes of registration in the proper registry or land titles office.
3. The estimated cost of the drainage works.
4. A description of the drainage works, including its location and nature.
5. The proportion of the cost of the construction, improvement and maintenance of the drainage works that is to be borne by each of the owners of the lands.
6. The date the agreement was entered into.
7. An affidavit of a subscribing witness to the execution of the agreement by the parties as required by section 34 of *The Registry Act*.

R.S.O. 1960,  
c. 348

(2) A copy of the agreement and the plans and schedules, if any, of the proposed drainage works may be filed with the clerk of the local municipality in which the land or any part thereof is situate, and the agreement or an executed copy thereof may be registered in the proper registry or land titles office.

Filing of  
agreement

(3) An agreement made under this section shall, upon registration in the proper registry or land titles office of the agreement or an executed copy thereof, be binding upon the heirs, executors, administrators, successors and assigns of each of the parties to the agreement.

Registered  
agreement  
binding on  
successors

(4) The subsequent provisions of this Act do not apply to any drainage works constructed under this section. *New.*

Exception

**3.—(1)** Subject to subsection 4, upon the petition (Form 1) of the majority in number of the owners, as shown by the last revised assessment roll to be the owners of the lands and roads in the area requiring drainage as described in the petition within any local municipality, to the council thereof, for the drainage of the area by means of a drainage works, the council, upon notifying by prepaid mail the secretary-treasurer of each authority established under *The Conservation Authorities Act* that has jurisdiction over any of such lands, may by by-law or resolution appoint an engineer to make an examination of the area, to prepare a report, including plans, specifications, estimates of the drainage works, and an assessment against the lands and roads within the area requiring drainage and of any other lands and roads liable to be assessed for the drainage works, stating as nearly as may be, in his

Drainage  
works  
constructed  
on petition

R.S.O. 1960,  
c. 62

opinion, the proportion of the cost of the drainage works, including fees of the engineer and of the clerk, to be assessed against every parcel of land and road for benefit, outlet liability and injuring liability. R.S.O. 1960, c. 252, s. 2 (1), *amended*.

Initiating  
proceedings  
for the  
drainage of  
a road

(2) Where a drainage works is required for the drainage of a road or a part thereof, the council of the local municipality in which the road or part thereof is situate may proceed under subsection 1 upon a petition,

R.S.O. 1960,  
c. 171

(a) where the road or part thereof is under the jurisdiction of the Province of Ontario or of a township or county, signed by the engineer or road superintendent appointed under *The Highway Improvement Act* by the Department of Highways, county, township or commission having control over the road or part thereof; and

(b) where the road or part thereof is under the jurisdiction of a city, town or village, signed by the engineer or road superintendent of the municipality. R.S.O. 1960, c. 252, s. 2 (2), *amended*.

Providing  
capacity for  
covered  
drainage  
works

(3) In no case shall the construction of a drainage works by means of the improvement of a creek, stream or natural watercourse include a covered drainage works, unless the part of the drainage works in which the covered drainage works is included provides capacity for all the surface water from the lands and roads draining naturally towards and into it and for all the waters from all the lands and roads assessed for the drainage works. R.S.O. 1960, c. 252, s. 11, *amended*.

Petition  
when  
pumping,  
embanking  
required

(4) Where a drainage works can only be effectually constructed by embanking, pumping or other mechanical operation, the council of the initiating municipality may proceed with the construction thereof or assume such a drainage works only upon the petition of at least two-thirds of the owners, as shown by the last revised assessment roll to be the owners of the lands and roads in the area requiring drainage as described in the petition. R.S.O. 1960, c. 252, s. 2 (3), *amended*.

Petition  
where area  
lies on  
each side of  
boundary  
road

(5) Where it is desired to construct a drainage works for the drainage of an area composed of lands or roads lying on each side of a boundary line between two local municipalities, the council of either local municipality may proceed upon a petition as required by this Act in all respects, including the sending of notices, as if such area were entirely within the limits of the municipality. R.S.O. 1960, c. 252, s. 61, *amended*.



4.—(1) Where it is necessary, for the proper drainage of any agricultural land, that a drainage works should be constructed thereon or constructed thereon and through the land of one or more adjacent owners, the owner of the land requiring or to be benefited by such drainage may file with the clerk of the local municipality in which his land is situate a requisition (Form 2) requesting that an engineer be appointed. <sup>Drainage works constructed on requisition</sup>

(2) Upon filing the requisition, the owner shall deposit with the clerk of the local municipality the sum of \$100 to be used toward defraying the expenses incurred consequent thereon, which sum shall be taken into consideration by the engineer in apportioning costs. *New.* <sup>Deposit for expenses</sup>

(3) No drainage works, the whole cost of which will exceed \$2,500, shall be constructed under this section. R.S.O. 1960, c. 109, s. 5 (2), *amended.* <sup>Limit of cost</sup>

(4) Only land lying within 150 rods from the sides of the drainage works and land lying within 150 rods from the point of commencement of the drainage works may be assessed under this section. R.S.O. 1960, c. 252, s. 6, *amended.* <sup>Limit of area to be assessed</sup>

(5) Every drainage works constructed under this section shall be continued to a sufficient outlet. R.S.O. 1960, c. 109, s. 5 (1), *part, amended.* <sup>Sufficient outlet</sup>

(6) The council of the local municipality, upon the filing of the requisition, shall, by by-law or resolution, appoint an engineer to make an examination of the area requiring drainage and to report as to the need for such drainage, the value of such drainage to the land to be served by the drainage works, the damage that will be done to the lands through which the drainage works may be constructed, the amount that should be paid to each owner of land that would be damaged by the drainage works, the estimated cost, and the amount that, in his opinion, should be assessed against every parcel of land and road for benefit, outlet liability and injuring liability. <sup>Duty of council</sup>

(7) The engineer shall, before making his examination and report, cause the clerk of the local municipality to send to each owner of land that will be affected by such drainage works seven days written notice (Form 3), by prepaid mail, addressed to each such owner at his address as shown by the last revised assessment roll, of the date, time and place of his examination. *New.* <sup>Notice of examination of area</sup>

(8) Notwithstanding sections 27, 39 and 41, unless the requisition for a drainage works under this section is with- <sup>Adoption of report</sup>

drawn,

drawn, the council of the municipality shall, subject to any appeals, adopt the report and proceed to implement it in accordance with this Act.

Present  
award  
ditches  
R.S.O. 1960,  
c. 109

(9) Every ditch constructed under *The Ditches and Water-courses Act* shall be maintained in accordance with the award of an engineer providing for such maintenance until such ditch is brought under the provisions of this Act.

Duties of  
engineer

5. The engineer shall, to the best of his skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to him in connection with any drainage works and make a true report thereon. R.S.O. 1960, c. 252, s. 4 (1), *amended*.

Power to  
enter lands

6.—(1) The engineer and his assistant when engaged in the performance of their duties during or after the examination of the locality may enter, measure along, ascertain the bearings of any line, plant the stakes that they deem necessary for the performance of the work and take levels on the land of any person. R.S.O. 1960, c. 252, s. 9 (1), *amended*.

Offence for  
interference  
with  
engineer

(2) Every person who wilfully interferes with or obstructs the engineer or any of his assistants in the exercise of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 252, s. 9 (3), *part, amended*.

One report  
on two  
or more  
petitions

7.—(1) The council of the initiating municipality may instruct the engineer to make one report with respect to two or more petitions requiring drainage in two or more adjoining areas that require drainage. *New*.

Duty to  
make plans,  
specifica-  
tions and  
estimates

(2) The engineer appointed shall make a report, including such plans, profiles, specifications, estimates of the drainage works to be constructed and assessments as may be deemed necessary. R.S.O. 1960, c. 252, s. 7, *part, amended*.

Duties  
re survey

(3) The engineer in making his survey shall establish sufficient bench marks or permanent levels by which a drainage works may be governed, and shall in his report record the description, location and elevation of every bench mark or permanent level. R.S.O. 1960, c. 252, ss. 8 (16), 9 (2), *amended*.

Offence for  
interference  
with bench  
marks, etc.

(4) Every person who interferes with, removes or destroys any bench mark or permanent level established under subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 252, s. 9 (3), *part, amended*.



8.—(1) The engineer in his report shall determine in what manner the material taken from any drainage works in the construction, improvement or maintenance thereof shall be disposed of, and the amount to be paid to the respective persons entitled to damages, if any, to lands and crops occasioned thereby, and shall include such sums in his estimates of the cost of the construction, improvement or maintenance of the drainage works. R.S.O. 1960, c. 252, s. 8 (7), *amended*.

Report re disposal of material taken from drainage works

(2) The engineer in his report shall provide for the construction, enlargement or other improvement of any bridges or culverts throughout the course of the drainage works rendered necessary by the drainage works crossing any public road or part thereof, and he shall in his assessment apportion, as appears just, the cost of bridges and culverts between the drainage works and the municipality or municipalities having jurisdiction over such public road.

Bridges and culverts on roads

(3) A local municipality may by by-law assume, as a charge upon the general funds of the municipality, the whole or such part, as the by-law may determine, of the cost of construction, improvement and maintenance of all bridges and culverts rendered necessary by a drainage works crossing any public road or part thereof within the municipality, and, when such a by-law has been passed, it shall not be repealed except with the permission of the referee, and, so long as the by-law remains unrepealed, the engineer shall, in his assessment, apportion the cost of such bridges and culverts in accordance with the by-law or direct that such drainage works be done by and at the expense of the municipality.

By-law as to assessments for bridges, culverts on roads

(4) The engineer in his report shall provide for the construction or the replacement, enlargement or other improvement of bridges and culverts required to afford access from any land to the travelled portion of a public road, and he shall include the cost of the construction or the replacement, enlargement or other improvement of such bridges and culverts in his assessment for the construction, improvement or maintenance of the drainage works, and they shall, for the purposes of maintenance, be deemed part of the drainage works.

Construction of access bridges

(5) The engineer in his report shall provide for the construction or the replacement, enlargement or other improvement of bridges and water gates rendered necessary by the drainage works upon any land, and the land assessed for the drainage works shall not be nor shall any municipal corporation be liable for keeping such bridges and water gates in repair, but, if the engineer deems it just that any of such bridges or water gates be maintained as part of the drainage works, he may so provide.

Construction of farm bridges

Allowance  
for  
severance

(6) If the engineer thinks it expedient to make an allowance for severance to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge as provided by subsection 4 or 5, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for severance.

Allowance  
for private  
drains

(7) Where an existing drain that was not constructed on petition under this Act or any predecessor of this Act is incorporated in whole or in part in a drainage works or is used in connection therewith, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part. R.S.O. 1960, c. 252, s. 8 (1-6), *amended*.

Allowance  
for right  
of way, etc.

(8) The engineer in his report shall estimate and allow in money to the owner of any land that it is necessary to use,

- (a) for the construction or improvement of a drainage works;
- (b) for the disposal of material removed from a drainage works;
- (c) as a site for a pumping station to be used in connection with a drainage works; or
- (d) as a means of access to any such pumping station, if, in the opinion of the engineer, such right of way is sufficient for the purposes of the drainage works,

the value of any of such land or the damages, if any, thereto.

Allowance  
for damage  
due to in-  
sufficient  
outlet

(9) Where, in the opinion of the engineer, the cost of continuing a drainage works to a sufficient outlet or the cost of constructing or improving a drainage works with sufficient capacity to carry off the water will exceed the amount of injury likely to be caused to low-lying lands along the course of or below the termination of the drainage works, instead of continuing the works to such an outlet, or making it of such capacity, he may include in his estimate of cost a sufficient sum to compensate the owners of such low-lying lands for any injuries they may sustain from the drainage works, and in his report he shall determine the amount to be paid to the owners of such low-lying lands in respect of such injuries. R.S.O. 1960, c. 252, s. 8 (8, 9), *amended*.

Engineer's  
finding,  
drainage  
works not  
required,  
etc.

(10) If the engineer finds that a drainage works is not required or is impractical, or cannot be constructed under this Act, he shall forthwith file with the clerk of the initiating municipality a report to that effect, stating his reasons therefor,

the amount of his fees and other charges and by whom they shall be paid, and the clerk shall forthwith send a notice of the filing of such report, by prepaid mail, to all persons who signed the petition or requisition, as the case may be, and the matter shall not be further proceeded with unless the decision of the engineer is reversed on appeal. R.S.O. 1960, c. 109, s. 15 (4, 5), *amended*.

**9.** Where any lands or roads in or under the jurisdiction of a local municipality, other than the local municipalities into or through which the drainage works passes, are, in the opinion of the engineer of the initiating or other municipality doing the work or part thereof, benefited by the drainage works or provided with an improved outlet or relieved from injuring liability, he may assess the cost of the construction, improvement or maintenance of the drainage works in the same manner as is provided in section 11. R.S.O. 1960, c. 252, s. 64, *amended*. Assessing land in neighbouring municipality

**10.—**(1) Where it is deemed necessary to continue a drainage works beyond the limits of the initiating municipality, the engineer employed by the council of such municipality may continue the drainage works on or along or across any road allowance or other boundary between any two or more municipalities, and from any such road allowance or other boundary into or through any municipality until he reaches a sufficient outlet, and in every such case he may assess, regardless of municipal boundaries, all lands and roads that, in his opinion, should be assessed for benefit, outlet liability or injuring liability, with such proportion of the cost of the drainage works as appears just, and in his report thereon he shall estimate separately the cost of the drainage works within each municipality and upon the road allowances or other boundaries. R.S.O. 1960, c. 252, s. 63, *amended*. Continuing drainage works beyond the limits of municipality

(2) A drainage works shall not be deemed to be continued into a municipality other than the initiating municipality merely by reason of such drainage works or some part thereof being constructed on a road allowance forming the boundary line between two or more municipalities. R.S.O. 1960, c. 252, s. 60 (2). When drainage works not deemed out of initiating municipality

**11.—**(1) Where it is deemed necessary or expedient to extend a drainage works constructed under this Act from Ontario into or through lands in an adjoining province, or to extend a drainage works from an adjoining province into or through lands in Ontario, the Lieutenant Governor in Council may authorize the Minister to enter into an agreement with a designated officer of the adjoining province as to the proportion of the cost of the drainage works in the adjoining Interprovincial drainage works, from Ontario into adjoining province



province to be borne and paid by Ontario and as to the proportion of the cost of the drainage works in Ontario to be borne and paid by the adjoining province. R.S.O. 1960, c. 192, s. 1, *amended*.

Apportionment of cost

(2) Where such a drainage works extends from Ontario into or through lands in an adjoining province, the Minister may order a local municipality in Ontario in which the lands affected by the drainage works are situate to provide funds to pay for the proportion of the cost of the drainage works in the adjoining province to be borne and paid by Ontario, and thereupon this Act applies *mutatis mutandis* to such drainage works. R.S.O. 1960, c. 192, s. 3, *amended*.

Extension of drainage works from adjoining province

(3) Where a drainage works extends from an adjoining province into or through lands in Ontario, the Minister may order a local municipality into which the drainage works extends to provide for the construction of the necessary drainage works, and thereupon this Act applies *mutatis mutandis* to such drainage works, and the contribution to the drainage works from the other province shall be paid to such local municipality on the completion of the drainage works. R.S.O. 1960, c. 192, s. 2, *amended*.

Commissioner, appointment and duties

**12.—**(1) The council of a local municipality by by-law may appoint one or more commissioners,

(a) to assist the engineer in the construction or improvement of a drainage works; and

(b) to supervise the maintenance of any drainage works,

and require him or them to report annually on the state of repair of all drainage works under his supervision. R.S.O. 1960, c. 252, s. 82 (2), *amended*.

Powers of commissioner

(2) The commissioner has the same powers as to entry on land as are given to an engineer under section 6. *New*.

Assessment of affected land

**13.** The engineer, in assessing the lands and roads requiring drainage or otherwise liable for assessment under this Act, shall show in his report the approximate number of acres affected by the drainage works in each parcel of land assessed for the drainage works. R.S.O. 1960, c. 252, s. 5 (1), *amended*.

Assessment may be shown in money

**14.** The assessment upon any land or road for a drainage works may be shown by the engineer placing sums of money opposite the land or road, and it is not necessary to insert the fractional part of the whole cost to be borne by the land or road. R.S.O. 1960, c. 252, s. 6, *amended*.

**15.**—(1) The engineer in his report shall assess for benefit, outlet liability and injuring liability, and shall insert in an assessment schedule, in separate columns, the sums assessed for each opposite each parcel of land and road liable therefor. Engineer to distinguish assessments

(2) In fixing the sum to be assessed upon any land or road, the engineer may take into consideration any prior assessment on the same land or road for the construction, improvement or maintenance of a drainage works and make such allowance therefor as appears just, and in his report he shall state the allowance so made. R.S.O. 1960, c. 252, s. 12, *amended*. Prior assessments to be taken into consideration

**16.**—(1) Lands and roads that use a drainage works as an outlet, or for which, when the drainage works is constructed or improved, an improved outlet is provided either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek or watercourse, may be assessed for outlet liability. R.S.O. 1960, c. 252, s. 2 (4, 5), *amended*. Outlet liability, lands assessed for

(2) If, from any land or road, water is artificially caused by any means to flow upon and injure any other land or road, the land or road from which the water is caused to flow may be assessed for injuring liability with respect to a drainage works to relieve the injury so caused to such other land or road. Injuring liability, lands assessed for

(3) The assessment for outlet liability and injuring liability provided for in subsections 1 and 2 shall be based upon the volume and rate of flow of the water artificially caused to flow upon the injured land or road or into the drainage works from the lands and roads liable for such assessments. R.S.O. 1960, c. 252, s. 2 (7), *amended*. Basis of assessment

(4) The owners of the lands and roads made liable to assessment only under subsection 1 or 2 shall neither count for nor against the petition required by subsection 1 of section 3 unless within the area therein described. R.S.O. 1960, c. 252, s. 2 (6). Certain owners not to count for or against petition

**17.** The engineer in his report shall list separately the lands in each municipality that are assessed for a drainage works and shall indicate the assessment of the cost of lateral drains and the assessments of lands that are not agricultural lands. R.S.O. 1960, c. 252, s. 13, *amended*. Engineer to list separately excepted lands in different municipalities

**18.** Where the engineer deems it equitable that the cost of the maintenance of a drainage works be assessed upon a basis different from that upon which the cost of its construction or improvement is assessed, he shall determine and report the basis upon which the cost of maintenance of the drainage works or of any part or parts thereof shall be assessed. R.S.O. 1960, c. 252, s. 14, *amended*. Variations in assessments for maintenance



Subsequent  
subdivision  
of land

**19.—**(1) Where a parcel of land has been assessed by an engineer and, after the final revision of the assessment, the parcel is divided by the change in ownership of any part, the clerk of the local municipality in which the parcel is situate shall direct an engineer in writing to apportion the assessment charged against the parcel among the parts into which it is divided.

Notice to  
affected  
owners

(2) The clerk of the local municipality shall forthwith send a copy of the direction by prepaid mail to the owners of the parts into which the parcel is divided.

Apportion-  
ment of  
assessment

(3) The engineer in making the apportionment shall have regard to the part of the parcel affected by the drainage works, and shall make the apportionment in writing and file it with the clerk of the local municipality who shall attach it to the original assessment and shall send, by prepaid mail, a copy thereof to each of such owners, and, subject to subsection 5, the apportionment is binding upon the lands assessed.

Costs of  
engineer  
and clerk

(4) The costs, including the fees of the engineer and of the clerk of the local municipality, shall be borne and paid by the parties in the manner fixed or apportioned by the engineer or, on appeal, by the judge. R.S.O. 1960, c. 252, s. 5 (2-5), *amended*.

Appeal of  
apportion-  
ment

(5) Any such owner who is dissatisfied with such apportionment and who is assessed for a sum greater than \$200 may appeal to the judge within thirty days after the date a copy of the apportionment is sent to him by the clerk. *New*.

Subsequent  
connections  
with  
drainage  
works

**20.—**(1) Where an owner of land that is not assessed for a drainage works subsequently connects the land with the drainage works for the purpose of drainage or where the nature or extent of the use of a drainage works by land assessed for the drainage works is substantially altered, an engineer appointed by the initiating municipality for the purpose shall make a report and assess the land for a just proportion of the drainage works, regard being had to any compensation paid to the owner of such land in respect of the drainage works, but no person shall connect such land to the drainage works without the approval of the council of the municipality. R.S.O. 1960, c. 252, s. 5 (6), *amended*.

Use of  
amount  
collected

(2) The amount collected under subsection 1 shall be paid into a special bank account and used only for the future improvement or maintenance of the whole or any part of the drainage works. *New*.

**21.—**(1) Where a drainage works or a part thereof is to be constructed, improved or maintained upon, along, adjoining, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility, the public utility may construct, improve or maintain such drainage works or part. R.S.O. 1960, c. 252, s. 8 (20), *amended*. Public utility, option to construct drainage works

(2) Where the public utility does not exercise its powers under subsection 1 or does not complete such drainage works or part within a reasonable time and without unnecessary delay, such drainage works or part may be completed by the initiating municipality in the same manner as any other drainage works. R.S.O. 1960, c. 252, s. 8 (21), *amended*. Non-exercise by public utility

(3) In addition to all other sums lawfully assessed against the property of the public utility under this Act, and even if the public utility is not otherwise assessable under this Act, the public utility shall be assessed for and shall pay all the increase of cost of such drainage works or part caused by the existence of the works of the public utility. R.S.O. 1960, c. 252, s. 8 (22). Increased cost, how borne

**22.—**(1) The report of the engineer shall be filed with the clerk of the initiating municipality as soon as completed or in any event within six months after his appointment, or within such further time as may be extended before or after the expiry of such six-month period by the council of the municipality. R.S.O. 1960, c. 252, s. 8 (17), *amended*. Time for filing report

(2) If the engineer neglects to make his report within the time limited by or extended under this section, he shall forfeit all claim for compensation for the work done by him upon the drainage works, and the council of the local municipality may appoint some other engineer. Engineer may forfeit compensation and council appoint another

(3) A by-law passed by the council of any local municipality for the construction of a drainage works under this Act shall not be quashed by reason only that the report of the engineer was not filed within the time limited by or extended under this section. R.S.O. 1960, c. 252, s. 8 (18, 19), *amended*. By-law not invalid by reason report not filed in six months

**23.—**(1) The fees and expenditures of the engineer form part of the cost of the drainage works. R.S.O. 1960, c. 252, s. 7, *part, amended*. Fees of engineer part of drainage works

(2) The account of the engineer shall be set out in such detail as the council of the local municipality that appointed him may require. Account of engineer

Review by  
judge

(3) The council of the local municipality may apply, within sixty days after the engineer's account is presented to the clerk of the municipality, to the judge, who shall review the account and make any alteration he deems just, and the clerk shall give at least thirty days notice by prepaid mail to the engineer and to the head of the municipality of the appointment for such review. R.S.O. 1960, c. 252, s. 16, *amended*.

Appeal to  
referee

(4) Where the account of the engineer exceeds \$500, the decision of the judge may be appealed to the referee within thirty days after the date of the decision of the judge. *New*.

Copy of  
report  
to other  
municipalities  
affected,  
etc.

**24.—**(1) Upon the filing of the engineer's report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall send a copy of the report,

(a) to the clerk of every other local municipality in which any land or road that is assessed for the drainage works is situate;

R.S.O. 1960,  
c. 62

(b) to the secretary-treasurer of each authority established under *The Conservation Authorities Act* that has jurisdiction over any land affected by the report;

(c) to any railway company or public utility affected by the report, other than by way of assessment; and

(d) to the Minister of Lands and Forests where land under his jurisdiction may be affected by the report.  
R.S.O. 1960, c. 252, ss. 8 (23), 65, 103 (1), *amended*.

Clerk of  
initiating  
municipality to  
notify  
parties  
assessed

(2) The clerk of the initiating municipality shall send a notice by prepaid mail to the owners, as shown by the last revised assessment rolls to be the owners of lands and roads assessed for the drainage works in the area found by the engineer to require drainage, and to all other owners of lands and roads in the initiating municipality assessed for the drainage works and to each authority established under *The Conservation Authorities Act* that has jurisdiction over any of such lands, stating the date of the filing of the report, the name or other designation of the drainage works and its estimated cost, the amount that is assessed against the owner's land, distinguishing benefit, outlet liability and injuring liability, and the date of the council meeting at which the report will be considered.

R.S.O. 1960,  
c. 62

Clerk to  
notify  
parties  
assessed

(3) The clerk of every other local municipality in which any land or road that is assessed for the drainage works is situate shall send a notice by prepaid mail to the owners, as



shown by the last revised assessment roll to be the owners of the lands and roads in such municipality assessed for the drainage works, and to each authority established under *The Conservation Authorities Act* that has jurisdiction over any of such lands, stating the date of the filing of the report, the name or other designation of the drainage works and its estimated cost, the amount that is assessed against the owner's land, distinguishing benefit, outlet liability and injuring liability, and the date of the council meeting at which the report will be considered. R.S.O. 1960, c. 252, s. 17, *amended*.

(4) The clerk of each local municipality in which any land or road that is assessed for the drainage works is situated shall send a notice by prepaid mail to each owner of land in the municipality in respect of which the report provides for compensation and other allowances, if any, stating the date of the filing of the report, the amount of compensation and allowances awarded to the owner, and the date of the council meeting at which the report will be considered. R.S.O. 1960, c. 252, s. 8 (14), *amended*. Clerk to notify owners to be compensated

(5) The date of the council meeting at which the report will be considered shall not be less than ten days after the last notice has been mailed under subsections 2, 3 and 4. *New*. Council meeting for consideration of report

**25.** The council of the initiating municipality shall, at the meeting mentioned in the notices under section 24, cause the report to be read aloud by the clerk, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity so to do, and, should any of the lands or roads of the municipality be assessed, the council may by resolution authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition. R.S.O. 1960, c. 252, s. 18, *amended*. Consideration of report

**26.—(1)** If the petition at the close of such council meeting contains a sufficient number of names to comply with subsection 1 or 4 of section 3, as the case may be, the council may proceed to adopt the report, and no person having signed the petition shall, after the adoption of the report, be permitted to withdraw. Sufficiency of petition

(2) If, after striking out the names of the persons withdrawing, the names remaining on the petition, including the names, if any, added as provided by section 25, do not comply Liability of persons who have withdrawn where petition insufficient

with

with the requirements of subsection 1 or 4 of section 3, as the case may be, the persons who have withdrawn from the petition are on their respective assessments in the report, with 100 per cent added thereto, together with the other original petitioners on their respective assessments in the report, *pro rata*, chargeable with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and report, and the sum with which each of such owners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the persons liable, and shall be collected in the same manner as real property taxes. R.S.O. 1960, c. 252, s. 20, *part, amended*.

Adoption  
of report

**27.** A report may be adopted by by-law (Form 4) and, when such by-law is given two readings by council, the report shall be deemed to be adopted and the by-law shall be known as a provisional by-law. *New*.

Referring  
report back  
to engineer

**28.** The council of the initiating municipality, at any time before passing the by-law, if it appears that there are or may be errors in the report of the engineer or that for any other reason the report should be reconsidered, may refer the report back to him for reconsideration, and the engineer shall thereupon reconsider his report and shall further report to the council, which report has the same effect and shall be dealt with in the same manner and the proceedings thereon shall be the same as upon the original report. R.S.O. 1960, c. 252, s. 19, *amended*.

Copy of  
by-law to  
be sent to  
owners

**29.** The council of the initiating municipality, within twenty days after the adoption of the report, and every other local municipality in which any land or road is assessed for the drainage works, within twenty days of the receipt of a copy of the provisional by-law from the initiating municipality, shall cause a copy of the provisional by-law of the initiating municipality and a notice of the sitting of the court of revision to be sent by prepaid mail to each owner, as shown by the last revised assessment roll to be the owner of land assessed for the drainage works, and to each person entitled to notice under subsection 4 of section 24. R.S.O. 1960, c. 252, s. 25, *amended*.

Appeal to  
court of  
revision

**30.—(1)** Any owner of land, or, where roads in the local municipality are assessed, any ratepayer, who complains that his or any other land or road has been assessed too high or too low or that any land or road that should have been assessed has not been assessed, or that due consideration has not been given or allowance made as to type of use of land, may personally, or by his agent, give notice in writing to the clerk of the municipality that he considers himself aggrieved for any or all such causes. R.S.O. 1960, c. 252, s. 35, *amended*.



(2) The trial of complaints shall be had in the first instance by and before the court of revision of the local municipality in which the lands and roads assessed are situate, and the first sitting of the court shall be held on a day not earlier than twenty nor later than thirty days from the date of completing the mailing of the copies of the provisional by-law.

Time for  
holding  
court

(3) Every notice of appeal to the court of revision shall be given to the clerk of the local municipality at least ten days before the first sitting of the court, but the court may, though notice of appeal has not been given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as appear just. R.S.O. 1960, c. 252, s. 36, *amended*.

Notices of  
appeal

(4) Except as otherwise provided in this Act, the provisions of *The Assessment Act* as to the constitution and powers of and trial of complaints by the court of revision and as to appeals therefrom to the judge apply *mutatis mutandis* to such trials and appeals under this Act. R.S.O. 1960, c. 252, s. 28 (1), *amended*.

Constitution  
of court of  
revision  
R.S.O. 1960,  
c. 23

**31.** When the ground of complaint is that lands or roads are assessed too high and the evidence adduced satisfies the court of revision or judge that the assessments on such lands or roads should be reduced and there is no evidence to indicate that the amount of such reduction should be levied against lands or roads whose owners are parties to appeals then pending before the court of revision or judge, the court or judge shall adjourn the hearing of the appeal for a time sufficient to enable the clerk to notify by prepaid mail such persons as the appellant may specify who are shown by the last revised assessment roll to be owners of land affected of the date to which the hearing is adjourned, and the clerk shall so notify all such persons, and at such adjourned hearing the court or judge shall dispose of the matter of appeal and, where appropriate, redistribute the assessments in such manner as appears just. R.S.O. 1960, c. 252, s. 42, *amended*.

Adjourn-  
ment of  
court to  
notify  
persons  
affected by  
alterations

**32.—(1)** An appeal from the court of revision lies to the judge, not only against a decision of the court of revision, but also against the omission, neglect or refusal of the court of revision to hear or decide an appeal. R.S.O. 1960, c. 252, s. 44, *amended*.

Appeal to  
county judge

(2) At the court so held, the judge shall hear the appeal and may adjourn the hearing from time to time, but shall give his decision not later than thirty days after the hearing. R.S.O. 1960, c. 252, s. 48.

Time for  
giving  
judgment

Decision to  
be final

(3) The decision of the judge is final. R.S.O. 1960, c. 252, s. 54.

Clerk to  
alter  
assessments

**33.** Any change in an assessment made by the court of revision or by the judge shall be given effect to by the clerk of the local municipality altering the assessments and other parts of the schedule to comply therewith and sending notice thereof to the owners affected, and the provisional by-law shall, before the passing thereof, be amended to carry out any changes so made by the court of revision or by the judge. R.S.O. 1960, c. 252, s. 55, *amended*.

Appeal by  
conservation  
authority  
having  
jurisdiction  
R.S.O. 1960,  
c. 62

**34.** Where the proposed drainage works is to be undertaken within a watershed in which a conservation authority established under *The Conservation Authorities Act* has jurisdiction, the conservation authority may appeal from the report of the engineer to the referee on the ground that the drainage works will injuriously affect a scheme undertaken by the authority under such Act, and the provisions of section 35 respecting the notice of appeal, the powers of the referee and the decision of the referee apply to any such appeal. R.S.O. 1960, c. 252, s. 8 (13), *amended*.

Appeal  
from report  
to referee

**35.** Any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the ground that it does not comply with the requirements of this Act, or that the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof, or that the drainage works should be modified, on grounds to be stated, may appeal therefrom to the referee, and in every such case a written notice of appeal shall be served upon the head of the council of the initiating municipality or the clerk thereof within thirty days after the date of mailing of the copy of the provisional by-law under section 29, and the referee may hear and determine the appeal in a summary manner on his own view of the premises and after hearing the parties and, if he sees fit, their witnesses, or he may direct that the further proceedings on such appeal shall be as hereinafter provided in other cases of appeals to the referee, and the referee on an appeal under this section may make such order as appears just. R.S.O. 1960, c. 252, s. 8 (10, 11), *amended*.

Appeal  
where  
report  
indicates  
drainage  
works not  
required

**36.** Where the engineer reports that the drainage works is not required or is impractical or cannot be constructed under section 3 or 4, as the case may be, any owner affected by the report, within twenty-one days from the date of the mailing of the notice under subsection 10 of section 8, may appeal therefrom to the referee whose decision is final. R.S.O. 1960, c. 109, s. 21 (1), *amended*.

**37.**—(1) The council of any local municipality to which <sup>Appeal by municipality</sup> a copy of the report was sent under subsection 1 of section 24 may, within six weeks after the report is sent to the clerk, appeal to the referee from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal.

(2) The reasons for appeal may be the following, or any <sup>Grounds for appeal</sup> of them,

- (a) that the proposed drainage works as it affects the appealing municipality should be abandoned or modified, on grounds to be stated;
  - (b) that the course of the drainage works or any part thereof should be altered;
  - (c) that the drainage works does not provide a sufficient outlet;
  - (d) that the drainage works should be carried to an outlet in the initiating municipality or elsewhere;
  - (e) that a petition has been received by the council of the appealing municipality, as provided by subsection 1 of section 3, for the enlargement by the appealing municipality of any part of a drainage works lying within its limits, and thence to an outlet, and that the council is of opinion that such enlargement is desirable to afford drainage facilities for the area described in the petition;
  - (f) that the assessment against lands and roads within the limits of the appealing municipality and roads under its jurisdiction is illegal, unjust or excessive.
- R.S.O. 1960, c. 252, s. 67, *amended*.

**38.** Upon an appeal under section 37, the referee shall hear <sup>Powers of referee on appeal</sup> and adjudicate upon all questions raised by the notice of appeal, as they may affect any municipality in which any land or road is assessed for the drainage works, and he may give to any municipality, through or into which the proposed drainage works will be continued, leave to enlarge the drainage works, pursuant to petition in that behalf and according to the report of an engineer appointed by the referee for that purpose, and may make such order as appears just. R.S.O. 1960, c. 252, s. 68 (1), *amended*.



Construction  
or im-  
provement  
by-law

**39.** Where an initiating municipality has adopted a report for the construction or improvement of a drainage works, after the time for appealing has expired and there are no appeals or after all appeals have been decided, the council of the municipality may pass the provisional by-law, thereby authorizing the construction or improvement of the drainage works. R.S.O. 1960, c. 252, s. 20, *part, amended*.

Muni-  
cipalities  
required  
to raise  
cost

**40.**—(1) The council of each local municipality to which a copy of a report is required to be sent under subsection 1 of section 24 shall raise and pay over to the treasurer of the initiating municipality its proportion of the cost of the construction and improvement of the drainage works within a reasonable time after the time fixed by subsection 2 for the passing of the by-law. R.S.O. 1960, c. 252, s. 66, *amended*.

Imposition  
of special  
assessment

(2) The council of each local municipality that is required to raise the whole or any part of the cost of the construction or improvement of the drainage works shall, forthwith after the time for appealing has expired and there are no appeals or after all appeals have been decided, by by-law impose upon the land assessed for the construction or improvement of the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council prescribes.

Commu-  
tation of  
special  
assessment

(3) The council of any local municipality may provide that persons whose lands are assessed may commute for a payment in cash the assessments imposed thereon and may prescribe the terms and conditions thereof. R.S.O. 1960, c. 252, s. 22, *part, amended*.

Assessments  
of \$25  
or less

(4) Where the assessment against any parcel of land is \$25 or less, the council of any local municipality may provide that the assessment shall be paid out of the general funds of the municipality or that the assessment shall be paid in the first year in which the assessment is imposed upon the land assessed. *New*.

Application  
of R.S.O.  
1960, c. 23

(5) The assessments and rates imposed under this Act shall be deemed to be taxes, and the provisions of *The Assessment Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default of payment thereof, apply. R.S.O. 1960, c. 252, s. 22, *part, amended*.

Abandon-  
ment of  
work by  
initiating  
municipality

**41.** A by-law authorizing the construction, improvement or maintenance of a drainage works may be repealed at any time before the work is commenced and before any assessment has been levied against the land assessed, and in such case the council of the initiating municipality shall pay all expenses in connection therewith out of the general funds of the municipality. R.S.O. 1960, c. 252, s. 68 (3), *amended*.

**42.** The council of a local municipality may by by-law provide for the payment to the clerk of the municipality of reasonable fees or other remuneration for services performed by him in carrying out the provisions of this Act. R.S.O. 1960, c. 109, s. 4 (2), *amended*. Fees of clerk

**43.** If no notice of intention to make application to quash a by-law is served upon the clerk of the municipality within ten days after the passing of the by-law or, where a notice of intention has been given, if an application to quash is not made to the referee within three months after the passing of the by-law, the by-law, or so much thereof as is not the subject of or is not quashed upon any such application, is valid and binding according to its terms, so far as it ordains, prescribes or directs anything within the proper competence of the council. R.S.O. 1960, c. 252, s. 26, *amended*. Quashing of by-law

**44.** A municipality in which a drainage works or part thereof is situate may bring an action for damages against any person who destroys or injures in any way a drainage works, including any bench mark or permanent level established under subsection 3 of section 7, and any damages ordered by the court to be paid shall be paid to the municipality and used for the construction, improvement or maintenance of the drainage works. *New*. Municipality may sue for damages to drainage works

**45.** Except where otherwise provided by this Act or by a decision on an appeal, the cost of and incidental to the passing and serving of by-laws or to any reference or appeal or the construction, improvement and maintenance of a drainage works shall form part of the cost of the drainage works. R.S.O. 1960, c. 252, s. 91, *amended*. Expenses to be deemed part of the cost of drainage works

**46.** Any agreement on the part of a tenant to pay the rates or taxes in respect of the demised land does not include the charges and assessments for a drainage works unless the agreement in express terms so provides, but, in cases of contract to purchase or of leases giving the lessee an option to purchase, the charges and assessments for a drainage works, in connection with which proceedings were commenced under this Act after the date of the contract or lease and which have been already paid by the owner, shall be added to the price and shall be paid by the purchaser or the lessee in case he exercises his option to purchase, but the amount still unpaid on the cost of the drainage works and charged against the lands shall be borne by the purchaser unless otherwise provided by the conveyance or agreement. R.S.O. 1960, c. 252, s. 92. Tenant's covenant to pay taxes, when to include drainage assessments

**47.—(1)** Any by-law heretofore or hereafter passed by the council of a local municipality for the assessment upon the lands and roads liable to contribute for a drainage works and Amendment of by-law when insufficient funds provided

that



that has been acted upon by the doing of the work in whole or in part, but does not provide sufficient funds to complete the drainage works or the municipality's share of the cost thereof, or does not provide sufficient funds for the redemption of the debentures authorized to be issued thereunder as they become payable, may from time to time be amended by the council, and further debentures may be issued under the amending by-law in order to fully carry out the intention of the original by-law. R.S.O. 1960, c. 252, s. 69 (1).

When lands  
and roads  
in another  
municipality  
assessable

(2) Where in any such case lands and roads in another municipality are assessed for the drainage works, the council of the initiating municipality shall appoint an engineer to make an examination of the drainage works and to report upon it with an estimate of the cost of completion for which sufficient funds have not been provided under the original by-law, and shall notify the heads of the other local municipalities as in the case of the original report, and the council of any municipality so notified has the same right of appeal to the referee as to the improper expenditure or illegal or other application of the drainage money already raised and is subject to the same duty, as to raising and paying over its share of the money to be raised, as in the case of the original by-law. R.S.O. 1960, c. 252, s. 69 (2), *amended*.

Amendment  
of by-law  
when  
excessive  
funds  
provided

(3) Any by-law for the assessment upon the lands and roads liable to contribute for any drainage works acted upon by the completion of the drainage works that provides more than sufficient funds for the completion of or proper contribution towards the drainage works or for the redemption of the debentures authorized to be issued thereunder as they become payable shall be amended, and, if lands and roads in any other municipality are assessed for the drainage works, the surplus money shall be divided *pro rata* among the contributing municipalities, and every such surplus until wholly paid out shall be applied by the council of the municipality *pro rata* according to the assessment in payment of the rates imposed by it for the drainage works in each and every year after the completion of the drainage works, and, in case such assessment upon any land has been commuted or anticipated by payment in full, payment shall be made to the owner of such lands as shown by the last revised assessment roll of the municipality in all respects as if such assessment had not been so commuted or anticipated. R.S.O. 1960, c. 252, s. 69 (3).

Maintenance  
of drainage  
works  
and cost

**48.** Any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, relating to the construction or improvement of a drainage works by local assessment, shall be maintained by each local municipality

through

through which it passes, to the extent that such drainage works lies within the limits of such municipality, at the expense of the lands and roads in any way assessed for the construction or improvement of the drainage works and in the proportion determined by the then current by-law pertaining thereto until, in the case of each municipality, such provision for maintenance is varied or otherwise determined by an engineer in a report for the maintenance of the drainage works or on appeal therefrom. R.S.O. 1960, c. 252, s. 71, *amended*.

**49.**—(1) The council of any local municipality undertaking the repair of a drainage works shall, before commencing the repairs,

Service  
of by-law  
on municip-  
ality  
liable for  
contribu-  
tion, and  
appeal

(a) give two readings to a by-law for undertaking such repairs, which by-law shall recite the description, extent and estimated cost of the repairs to be done and the amount to be contributed therefor by each local municipality affected by the drainage works and shall be known as a provisional by-law; and

(b) serve upon the head or clerk of any municipality liable to contribute any portion of the cost of such repairs a copy of the provisional by-law,

and the council of any municipality so served may, within thirty days thereafter, appeal from such by-law to the referee on the ground that the amount assessed against the lands and roads in such municipality is excessive or that the work provided for in the by-law is unnecessary, or that such drainage works has never been completed through the default or neglect of the municipality whose duty it was to do the work, and the referee on such appeal may confirm such provisional by-law, or may direct that it be amended or that it not be passed, as appears just. R.S.O. 1960, c. 252, s. 74 (1), *amended*.

(2) The council of every municipality served with a copy of the provisional by-law shall, forthwith after the time for appealing from such by-law has expired and there are no appeals or after all appeals have been decided, pass a by-law to raise the amount assessed against lands and roads in the municipality, as stated in the provisional by-law or as determined on appeal therefrom, and shall pay over such amount within a reasonable time to the treasurer of the initiating municipality. R.S.O. 1960, c. 252, s. 74 (2), *amended*.

Council  
served to  
furnish  
amount  
required

**50.**—(1) The council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance

Varying  
original  
assessments  
for main-  
tenance

of the drainage works may make an application to the referee, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report, but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission. R.S.O. 1960, c. 252, s. 75 (1), *amended*.

Proceedings  
on report of  
engineer

(2) The proceedings upon such report shall be the same, as nearly as may be, as upon the report for the construction of the drainage works.

Appeal from  
report of  
engineer

(3) Any council served with a copy of such report may appeal to the referee from the finding of the engineer as to the portion of the cost of the drainage works for which the municipality is liable, and the proceedings on such appeal shall be the same as in other cases of appeal to the referee.

Appeal to  
court of  
revision

(4) Any owner of land, and any ratepayer in a municipality in which roads are assessed for such maintenance, may appeal from the assessment in the report in the manner provided in the case of the construction of the drainage works. R.S.O. 1960, c. 252, s. 75 (2-4), *amended*.

Basis of  
future  
assessments

(5) Such assessment as so varied shall thereafter, until it is further varied, form the basis of any assessment for maintenance of the drainage works affected thereby. R.S.O. 1960, c. 252, s. 75 (5).

Deepening,  
widening or  
extending  
without  
report of  
engineer

**51.**—(1) The council of any local municipality, whose duty it is to maintain a drainage works for which only lands and roads within or under the jurisdiction of the municipality are assessed, may, after the completion of the drainage works, without the report of an engineer, upon a *pro rata* assessment on the lands and roads as last assessed for the construction or maintenance of the drainage works, make improvements thereto by deepening, widening or extending the drainage works to an outlet, provided the cost of such deepening, widening and extending is not more than one-fifth of the cost of the construction, and does not in any case exceed \$1,500. R.S.O. 1960, c. 252, s. 76, *amended*.

Moving  
drainage  
works  
off road

(2) Where the Province of Ontario or any municipality or suburban road commission desires to relocate a drainage works or part thereof that is on or adjacent to a road under its jurisdiction, upon the report of an engineer appointed by



the municipality whose duty it is to maintain the drainage works that the drainage works or part thereof can be moved to a specified new location without impairing the capacity or efficiency of such drainage works or adversely affecting any person or property, the council of a local municipality may authorize such relocation within the boundaries of the municipality at the expense of the Province, municipality or commission, as the case may be. *New.*

**52.—**(1) Where, for the better use or maintenance of any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, or of lands or roads, it is deemed expedient to change the course of the drainage works, or to make a new outlet for the whole or any part of the drainage works, or to construct a tile drain under the bed of the whole or any part of the drainage works as ancillary thereto, or to construct, reconstruct or extend embankments, walls, dykes, dams, reservoirs and other protective works as ancillary to the drainage works, or to otherwise improve, extend or alter the drainage works or to cover the whole or any part of it, or to consolidate two or more drainage works, the council of any municipality whose duty it is to maintain the drainage works or any part thereof may, without the petition required by subsection 1 of section 3 but on the report of an engineer appointed by it, undertake and complete the drainage works as set forth in such report. Improving, upon examination and report by engineer

(2) The engineer has all the powers and shall perform all the duties of an engineer appointed with respect to the construction of a drainage works under this Act. Powers and duties of engineer

(3) All proceedings, including appeals, with respect to a report under subsection 1 and the assessments therein shall be the same as on a report for the construction of a drainage works and the assessments therein. R.S.O. 1960, c. 252, s. 77 (1, 2), *amended*. Proceedings on report and appeals

**53.—**(1) Upon thirty days notice in writing served by any person whose property is injuriously affected by the condition of a drainage works, upon the head or clerk of the local municipality whose duty it is to maintain and keep in repair the drainage works, the municipality is compellable by mandamus issued by the referee or a court of competent jurisdiction to exercise the powers and to perform the duties conferred or imposed upon it by this Act as to maintenance, or such of the powers as to the referee or court appears proper, and the municipality is liable in damages to the owner whose property is so injuriously affected. R.S.O. 1960, c. 252, s. 80 (1), *amended*. Power to compel repairs

Municipality  
liable for  
damages  
caused by  
non-repair

(2) Notwithstanding subsection 1, the local municipality whose duty it is to maintain a drainage works shall not become liable in damages to any person whose property is injuriously affected by reason of the non-repair of the drainage works until after service by or on behalf of such person of the notice referred to in subsection 1 upon the head or clerk of the municipality, describing with reasonable certainty the alleged lack of repair of the drainage works.

No liability  
where  
drainage  
works  
blocked by  
ice or snow

(3) The local municipality whose duty it is to maintain a drainage works is not liable in damages for any injury caused by reason of a drainage works being blocked by snow or ice and overflowing the lands of any person without negligence on the part of the municipal corporation. R.S.O. 1960, c. 252, s. 80 (4, 5), *amended*.

Persons  
responsible  
for  
obstruction  
to remove  
it on notice

**54.**—(1) When a drainage works becomes obstructed by a dam, low bridge, fence, washing out of a private drain, or other obstruction, for which the land adjoining the drainage works or the owner or occupant thereof is responsible, so that the free flow of the water is impeded thereby, the persons owning or occupying the land shall, upon reasonable notice in writing given by the council of the local municipality whose duty it is to maintain the drainage works or by a commissioner appointed by the council, remove such obstruction and, if it is not so removed within the time specified in the notice, the council or the commissioner shall forthwith cause it to be removed, and the cost thereof is payable to the municipality by the owner or occupant of the land. R.S.O. 1960, c. 252, s. 82 (1), *amended*.

Collection  
of cost of  
removal by  
municipality

(2) If the cost of removing the obstruction is not paid to the local municipality by the owner or occupant of the land forthwith after the completion of the work, the council may pay the cost, and the clerk of the municipality shall place the amount of cost upon the collector's roll against such land and such amount shall be collected in the same manner as real property taxes. R.S.O. 1960, c. 252, s. 82 (3), *amended*.

Removal of  
minor  
obstructions

**55.** The council of a local municipality may by by-law direct that the commissioner appointed by it shall from time to time remove from any drainage works all weeds and brushwood, fallen timber or other minor obstruction for which the owner of the lands adjacent to the drainage works or the owner or occupant thereof may not be responsible, and the cost of such work is chargeable as part of the cost of maintenance of the drainage works. R.S.O. 1960, c. 252, s. 83, *part, amended*.



**56.** It is not necessary to assess and levy the amount charged for maintenance more than once in every five years unless in the meantime the total expense incurred exceeds the sum of \$1,000. R.S.O. 1960, c. 252, s. 83, *part, amended*. When levy for maintenance necessary

**57.** Every person who obstructs, fills up or injures or destroys by any means any drainage works is guilty of an offence and on summary conviction, in addition to his liability in civil damages, is liable to a fine of not less than \$10 and not more than \$100 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1960, c. 252, s. 84, *amended*. Penalty for injury to drainage works

**58.** For the better maintenance of drainage works by embanking, pumping or other mechanical operations, the council of the municipality initiating the drainage works may pass by-laws for appointing a commissioner or commissioners with power to enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings, and purchase and repairs of machinery, and to do all other things necessary for successfully operating the drainage works and for keeping the embankment thereof in repair, as may be set forth in the by-law appointing them, and for defraying the annual cost of maintaining and operating the drainage works by assessment upon the lands and roads in any way liable to assessment therefor. R.S.O. 1960, c. 252, s. 86 (1), *amended*. Appointment of commissioner for pumping drainage works

**59.—(1)** Except as authorized by a by-law of the initiating municipality approved by the Ontario Water Resources Commission, no person shall discharge or deposit or permit to be discharged or deposited into any drainage works any liquid, material or substance other than unpolluted drainage water. Pollution of drains prohibited

**(2)** Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100. *New*. Fine

**60.—(1)** Upon the written request of three-quarters of the owners of land assessed for benefit in respect of a drainage works, who, according to the last revised assessment roll, own not less than three-quarters of the area assessed for benefit as shown in the by-law or by-laws under which the drainage works exist, asking for the abandonment of such drainage works, the council of the initiating municipality shall forthwith notify all owners of land assessed for the drainage works by prepaid mail, at their addresses as shown in the last revised assessment roll, of the receipt of such request and of its intention to act thereon unless any owner, within ten days of the Abandonment on petition

mailing of such notice, gives to the clerk of the municipality written notice that he requires a report of an engineer to be made on such proposed abandonment.

Engineer's  
report  
may be  
required

(2) If, within such period of ten days, any owner notifies the clerk, the council shall appoint an engineer to examine the drainage works and report his recommendations as to the proposed abandonment, any necessary work in connection therewith, the sale of any assets, the cost of abandonment and all other appropriate matters and shall assess all costs, including his own compensation, and damage allowances against persons liable to assessment in connection with the drainage works in such proportions as appear just.

Procedures  
on report

(3) All proceedings, including appeals, with respect to a report under subsection 1 shall be the same *mutatis mutandis* as on a report for the construction of a drainage works.

Abandon-  
ment by  
council

(4) If no notice is mailed to the clerk in accordance with subsection 1 or if the engineer's report, as it may be altered on appeal, recommends the abandonment of the drainage works, the council may by by-law abandon the drainage works, and thereafter the municipality has no further obligation with respect to the drainage works.

Disburse-  
ment of  
remaining  
funds

(5) Any money remaining to the credit of the drainage works after it is abandoned shall be divided *pro rata* among the owners of lands and roads assessed therefor. *New.*

Provincial  
grants,  
drainage  
works  
eligible  
for

**61.**—(1) Grants may be made under this Act only in respect of the cost of a drainage works that drains agricultural lands, and, in computing the cost thereof for the purpose of grants, the cost of all embanking and pumping machinery installed shall be included.

Exceptions

(2) Grants shall not be made in respect of the cost of lateral drains or of drainage works constructed under section 2 or 4 or of costs assessed against lands other than agricultural lands. R.S.O. 1960, c. 311, s. 2 (1, 2), *amended.*

Cash con-  
tributions  
to be  
deducted  
from cost  
1960-61,  
c. 30 (Can.)

(3) For the purpose of computing grants under this Act, any contribution, except a contribution by the Government of Canada under the *Agricultural Rehabilitation and Development Act* (Canada), received or receivable by the initiating municipality with respect to a drainage works shall be deducted from the cost thereof. R.S.O. 1960, c. 311, s. 2 (3), *amended.*

Where  
another  
provincial  
grant  
payable

**62.** Where a grant is paid under this Act in respect of the cost of a drainage works that includes the cost of a drainage works upon which a grant is payable under another Act of

the Legislature, the grant payable under such other Act shall be reduced by an amount equal to that portion of the grant that was paid under this Act in respect of the cost of the part of the drainage works upon which the grant is payable under the other Act. R.S.O. 1960, c. 311, s. 3.

**63.—**(1) Where the council of a local municipality initiates a drainage works, it shall forward to the Minister a petition (Form 5) accompanied by a copy of the engineer's report as it may have been amended on appeal. <sup>Petition for grant</sup>

(2) A grant may be refused by the Minister if the petition is not submitted by the council of the local municipality within three months after the passing of the by-law and before the commencement of the work. <sup>Time for making petition</sup>

(3) Notwithstanding subsection 1, where the council of a local municipality must perform emergency work under this Act before it is possible to obtain and adopt an engineer's report, it may submit a petition for a grant in accordance with subsection 1 after the commencement of the work if it has notified the Minister within ten days after the commencement of the work. R.S.O. 1960, c. 311, s. 4, *amended*. <sup>Emergency work</sup>

**64.—**(1) Upon receipt of a petition forwarded in the manner specified in section 63, the Minister, if it appears to him that the drainage works is or includes a drainage works that may be eligible for a grant, may cause an examination thereof to be made by an officer or employee of the Department, who shall report fully thereon and upon all the matters alleged in the petition. <sup>Examination of drainage works</sup>

(2) Upon receipt by the Minister of a report mentioned in subsection 1 and upon the practical completion of the drainage works, the Minister, where the amount of the grant does not exceed \$5,000, and the Lieutenant Governor in Council, in other cases, may pay out of such moneys as are appropriated therefor by the Legislature to the treasurer of the initiating municipality a grant of, <sup>Payments</sup>

- (a) where the drainage works is in a county,  $33\frac{1}{3}$  per cent of the cost of the drainage works as described and limited in section 61; or
- (b) where the drainage works is in a municipality in a territorial district or a provisional county,  $66\frac{2}{3}$  per cent of the cost of the drainage works as described and limited in section 61.



Distribu-  
tion and  
application  
of grant

(3) The grant shall be distributed by the initiating municipality among all interested municipalities according to the engineer's assessment on agricultural land, or as altered on appeal, and in each municipality the amount of the grant shall be applied to reduce the assessment on each parcel of agricultural land affected. R.S.O. 1960, c. 311, s. 5, *amended*.

Initiation of  
drainage  
works in  
unorganized  
territory

**65.**—(1) The Minister in his discretion and from time to time may prescribe the manner in which a drainage works shall be initiated and carried out in territory without municipal organization and the manner in which and the terms and conditions under which grants may be given under subsection 2.

Grants in  
unorganized  
territory

(2) Where a drainage works is in territory without municipal organization, the Minister, where the amount of the grant does not exceed \$5,000, and the Lieutenant Governor in Council, in other cases, may pay out of such moneys as are appropriated therefor by the Legislature an amount not exceeding 80 per cent of the cost of the drainage works as described and limited in section 61. R.S.O. 1960, c. 311, s. 6 (1, 2).

Referee,  
appoint-  
ment

**66.**—(1) The Lieutenant Governor in Council may appoint a referee for the purposes of this Act. R.S.O. 1960, c. 252, s. 93 (1), *amended*.

Appoint-  
ment of  
acting  
referee

(2) The Lieutenant Governor in Council from time to time may appoint an acting referee or referees for the purposes of this Act, and an acting referee has the same powers and duties as the referee. *New*.

Qualifica-  
tion

(3) The referee or an acting referee shall be a justice of the Supreme Court, a judge of a county court or a barrister of at least ten years standing at the Bar of Ontario. R.S.O. 1960, c. 252, s. 93 (3), *amended*.

Referee  
not to  
practise  
under Act

(4) No referee or acting referee shall practise as a solicitor or barrister in any matter arising under this Act or act as legal agent or adviser in any such matter. R.S.O. 1960, c. 252, s. 93 (5), *amended*.

Salary

(5) The referee or an acting referee shall be paid such remuneration as the Lieutenant Governor in Council determines, together with his reasonable travelling expenses. R.S.O. 1960, c. 252, s. 93 (6), *amended*.

Powers of  
referee

**67.**—(1) In respect of all applications and proceedings before him, the referee has the powers of a judge of the Supreme Court, including the production of books and papers, the amendment of notices of appeal and of notices of claims for compensation or damages, and of all other notices and

proceedings,



proceedings, and he may correct errors or supply omissions, fix the time and place of hearing, appoint the time for his inspection, summon to his aid engineers or other experts, and regulate and direct all matters incident to the hearing, trial and decision of the matters before him so as to do justice between the parties, and he may also grant an injunction or a mandamus in any matter before him under this Act.

(2) The referee has power to determine the validity of all petitions, resolutions, reports and provisional or other by-laws, whether or not objections thereto have been stated as grounds of appeal to him, and to amend and correct any provisional by-law in question, and, with the engineer's consent and upon evidence given, to amend the report in such manner as appears just, and upon such terms as to notice or otherwise as may be deemed proper for the protection of all parties interested, and, if necessary by reason of such amendments, to change the gross amount of any assessment made against any municipality, but in no case shall he assume the duties conferred by this Act upon the court of revision or a judge. R.S.O. 1960, c. 252, s. 95 (2, 3), *amended*.

Power to determine validity of proceedings and amend report

**68.**—(1) The referee at any time after an appeal or reference is made to him may give directions for the filing or serving of objections and defences to such appeal or reference and for the production of documents and otherwise, and may give an appointment to any party to the appeal or reference, to proceed therewith at such place and time and in such manner as to him may seem proper, but, unless the parties otherwise consent, the hearing shall be in the county or one of the counties in which the drainage works or proposed drainage works is or is to be situate or in which lands are assessed therefor.

Referee to direct procedure

(2) The clerk of the county court shall be the clerk of the court of the referee and shall take charge of and file all the exhibits, and is entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the county court. R.S.O. 1960, c. 252, s. 104 (1, 2).

Clerk of court

(3) The clerk of the court is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee directs. R.S.O. 1960, c. 252, s. 104 (3), *amended*.

Fees of clerk

(4) In the absence of the clerk of the county court, the referee may appoint some other person to act as clerk of the court of the referee for the purpose of the trial and for taking charge of and filing all exhibits, and the person so appointed while so acting has the same power as the clerk of the county

Referee's clerk

court and is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee directs.

**Subpoenas**

(5) Subpoenas for the attendance of witnesses at the hearing, tested in the name of the referee, may be issued by the clerk of the county court of the county in which the case is to be heard.

**Steno-  
graphic  
reporters**

(6) The referee may from time to time employ stenographic reporters to report hearings and trials before the referee and fix their fees, and such fees shall be included in the costs and shall be borne and paid as the referee directs. R.S.O. 1960, c. 252, s. 104 (5-7), *amended*.

**Use of  
court  
house**

**69.** When an appointment is given by the referee for the hearing of any matter under this Act in any municipality wherein a court house is situated, he has in all respects the same authority as a judge of the Supreme Court with respect to the use of the court house or other place or apartments set apart in the county for the administration of justice. R.S.O. 1960, c. 252, s. 109.

**Sheriffs,  
etc., to  
assist  
referee**

**70.** Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the referee in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificates of the referee, be paid by the county or counties interested such fees as they are entitled to for similar services at the sittings of the Supreme Court for the trial of causes. R.S.O. 1960, c. 252, s. 110, *amended*.

**Notice of  
appeal from  
report or  
provisional  
by-law  
to be filed**

**71.** A copy of the notice of appeal by any municipality from the report of an engineer or from a provisional by-law, with an affidavit of service thereof, shall, within the time limited by this Act for the service of the notice, be filed in the office of the clerk of the county court of the county or union of counties in which the initiating municipality is situate. R.S.O. 1960, c. 252, s. 97, *amended*.

**Amendment  
of by-law  
to carry out  
decision of  
referee**

**72.—(1)** The provisional by-law or the by-law of the initiating municipality and of any other municipality interested shall be amended so as to incorporate and carry into effect the decision of the referee or such decision as varied on appeal, as the case may be. R.S.O. 1960, c. 252, s. 98, *amended*.

**Jurisdiction  
of referee  
on appeal**

(2) Upon an appeal to the referee, he shall hear and adjudicate upon all questions raised in the notice of appeal and make such order as appears just, and may direct that the report appealed from be amended. R.S.O. 1960, c. 252, s. 103 (2), *amended*.

(3) The costs of such an appeal are in the discretion of the referee. R.S.O. 1960, c. 252, s. 103 (3). <sup>Costs of appeal</sup>

**73.** Subject to section 76, applications to set aside, declare void or otherwise directly or indirectly to attack the validity of any petition, report of an engineer, resolution of a council, provisional by-law or by-law relating to a drainage works, as well as all proceedings to determine claims and disputes arising in respect of anything done or required to be done under this Act or consequent thereon, or by reason of negligence, or for a mandamus or injunction, shall be made to and shall be heard and tried by the referee, who shall give his decision and his reasons therefor. R.S.O. 1960, c. 252, s. 99 (1), *amended*. <sup>Applications to set aside by-law, report heard</sup>

**74.—**(1) Proceedings for the determination of claims and disputes and for the recovery of damages by reason of negligence, or by way of compensation or otherwise, or for a mandamus or an injunction, shall be instituted by serving ten clear days notice setting forth the grounds of the claim upon all persons concerned. <sup>Proceedings instituted by notice</sup>

(2) A copy of the notice with an affidavit of service thereof shall be filed with the clerk of the county court of the county in which the initiating municipality is situate, and the notice shall be filed and served within two years from the time the cause of complaint arose. R.S.O. 1960, c. 252, s. 99 (3, 4), *amended*. <sup>Notice filed in county court</sup>

**75.** All affidavits intended to be used in support of a motion shall be filed with the clerk of the county court not fewer than five days before the return day of the motion. R.S.O. 1960, c. 252, s. 99 (5). <sup>Affidavits filed before motion</sup>

**76.—**(1) Where an action is brought or is pending and the court in which the action is brought or is pending or a judge thereof is of opinion that the relief sought therein is properly the subject of a proceeding under this Act or that it may be more conveniently tried before and disposed of by the referee, the court or judge may, on the application of either party, at any stage of the action make an order transferring it to the referee on such terms as appear just, and the referee shall thereafter give directions for the continuance of the action before him. R.S.O. 1960, c. 252, s. 100 (1), *amended*. <sup>Actions may be transferred to referee</sup>

(2) This section applies only where the action is brought within the period limited by this Act for taking proceedings on notice. R.S.O. 1960, c. 252, s. 100 (2). <sup>Limitation</sup>



Assessing  
damages  
and costs  
payable  
by munici-  
palities

**77.**—(1) Except as provided by subsections 2, 3 and 4, all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied upon the lands and roads in any way assessed for the drainage works for construction, improvement or maintenance, in such manner as the referee determines, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act.

Municipi-  
pality in  
default  
ordered to  
pay costs

(2) Where such damages and costs become payable owing to any improper action, neglect, default or omission on the part of the council of any municipality or of any of its officers in the construction, improvement or maintenance of the drainage works or in carrying out the provisions of this Act, the referee or court may direct that the whole or any part of such damages and costs shall be borne by the municipality and be payable out of the general funds thereof.

In cases  
of settle-  
ment

(3) Where in any such proceedings by or against a municipality a settlement is made, the damages and costs payable under the terms of the settlement by any municipality shall be borne and paid as directed by the referee, and in making such direction the referee shall have regard to the provisions of subsection 2.

Where  
extension  
of drainage  
works  
necessary

(4) Where, in the opinion of the referee, damages and costs have become payable by reason of the insufficiency of the capacity or outlet of a drainage works and it is necessary in order to prevent a continuance of such damage to improve the drainage works, the referee may permit the council of the municipality to add such damages and costs to the engineer's estimate of the cost of any such improvement, and in such case the engineer shall include the amount of such damages and costs in his estimate of the cost of the improvement of the drainage works. R.S.O. 1960, c. 252, s. 102, *amended*.

When  
referee  
proceeds  
on view

**78.** When the referee proceeds partly on view or on any special knowledge or skill possessed by him, he shall put in writing a statement thereof sufficiently full to allow the Court of Appeal to form a judgment of the weight that should be given thereto, and he shall state as part of his reasons the effect given by him to such statement. R.S.O. 1960, c. 252, s. 105.

Clerk to  
forward  
notice of  
filing

**79.** The decision of the referee, with the evidence, exhibits and statement, if any, of inspection or of technical knowledge and the reason for his decision, shall be filed in the office of the clerk of the county court in the county in which the initiating municipality is situate, and notice of the filing

shall



shall forthwith be given by the clerk, by prepaid mail, to the solicitors of the parties appearing by solicitor and to the other parties not represented by a solicitor, and also to the clerk of each municipality affected. R.S.O. 1960, c. 252, s. 106, *amended*.

**80.** A copy of the decision certified by the referee or clerk of the court shall be sent or delivered,

Decision  
to be sent  
to  
Minister  
and municip-  
alities

(a) to the Minister without charge; and

(b) to the clerk of every municipality interested in the drainage works in question upon receipt of the sum chargeable therefor. R.S.O. 1960, c. 252, s. 107, *amended*.

**81.** The decision of the referee shall be delivered in the same manner as decisions by the judges of the Supreme Court. R.S.O. 1960, c. 252, s. 108, *part, amended*.

Decision,  
manner of  
delivery

**82.** All interlocutory applications for any of the purposes mentioned in subsection 1 of section 67 shall be made to the referee and his order thereon is final. R.S.O. 1960, c. 252, s. 96.

Interlocu-  
tory  
applications

**83.—(1)** Except as otherwise provided in this Act, the decision of the referee or acting referee may be appealed from to the Court of Appeal within thirty days after the filing thereof with the county court clerk or within such further time as the referee or Court of Appeal or a judge thereof may allow.

Appeal  
from  
decision  
of referee

(2) The decision may be appealed against to the Court of Appeal in the same manner as from a decision of a judge of the Supreme Court sitting in court. R.S.O. 1960, c. 252, s. 117, *amended*.

Procedure  
in Court  
of Appeal

**84.** In cases brought before the referee, the evidence taken need not be filed, and shall be written out at length by the stenographic reporter only if required by the referee or by the parties to the reference, and, if required by any of the parties to the reference, copies shall be furnished upon such terms as may be fixed by the referee. R.S.O. 1960, c. 252, s. 112, *amended*.

Evidence  
taken need  
not be  
filed or  
written  
out

**85.** Except as otherwise provided in this Act, the rules and practice for the time being of the Supreme Court shall be followed so far as they are applicable. R.S.O. 1960, c. 252, s. 111, *amended*.

Rules and  
practice

Referee  
may make  
rules

**86.** The referee may, with the approval of the Lieutenant Governor in Council, make rules regulating the practice and procedure to be followed in all proceedings before him under this Act, and may prescribe tariffs of fees. R.S.O. 1960, c. 252, s. 119, *amended*.

Tariff of  
costs

**87.** In the absence of other provisions, the tariff of costs in any application or proceeding under this Act shall be that of the court that would have jurisdiction to try a civil action involving a similar amount of money or type of proceeding. R.S.O. 1960, c. 252, s. 120, *amended*.

Taxation  
of costs

**88.** Costs shall be taxed by the referee, or he may direct the taxation thereof by the clerk of the county court with whom the papers are filed or by a taxing officer of the Supreme Court. R.S.O. 1960, c. 252, s. 113.

Repeal:

**89.** The following are repealed:

R.S.O. 1960,  
c. 252

1. *The Municipal Drainage Act.*

R.S.O. 1960,  
c. 253

2. *The Municipal Drainage Aid Act.*

R.S.O. 1960,  
c. 109

3. *The Ditches and Watercourses Act.*

R.S.O. 1960,  
c. 192

4. *The Interprovincial Drainage Act.*

R.S.O. 1960,  
c. 311

5. *The Provincial Aid to Drainage Act.*

Commence-  
ment

**90.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**91.** This Act may be cited as *The Drainage Act, 1962-63*.

## FORM 1

(Section 3)

## PETITION FOR DRAINAGE WORKS

We, being owners, as shown by the last revised assessment roll, of  
lands in the.....of.....  
(Insert name of municipality or names of municipalities)  
requiring drainage, hereby petition that the area more particularly described  
as follows:

(Describe the area)

may be drained by means of a drainage works.

Signature                      Part              Lot              Con. or Plan      Municipality

R.S.O. 1960, c. 252, Form 1, amended.

## FORM 2

(Section 4 (1))

## REQUISITION FOR EXAMINATION BY ENGINEER

To.....

Clerk of the.....of.....

Sir,—

I am the owner of the following land:

(Describe the land)

and I require the construction (or improvement, as the case may be) of a  
drainage works, and the following lands and roads will be affected:

(Describe each parcel of land to be affected  
and state the name of the owner thereof)

and I request that an engineer be appointed by the council of the municipality and that he appoint a time and place at which he will attend and examine the area in order to make a report.

Dated this.....day of....., 19.....

.....  
(Signature of party or parties)

R.S.O. 1960, c. 109, Form 4.

FORM 3

## FORM 3

(Section 4 (7) )

NOTICE OF APPOINTMENT FOR  
EXAMINATION BY ENGINEERTo: (*Name of owner*)(*Address*)

Sir,—

You are hereby notified that the engineer appointed by the council of the.....of.....under section 4 of *The Drainage Act, 1962-63* has, in answer to a requisition, fixed the hour of.....o'clock in the.....noon of the.....day of....., 19....., to attend at (*name the place appointed*) and to examine the area and site of the proposed drainage works, being:

(*Here describe the area and site*)

and you, as an owner of land affected, are required to attend at such time and place.

Dated this.....day of....., 19.....

.....  
(*Signature of Clerk*)

R.S.O. 1960, c. 109, Form 5.



FORM 4

(Section 27)

FORM OF BY-LAW

A by-law to provide for a drainage works in the.....  
of.....in the County of....., and  
for borrowing on the credit of the municipality the sum of \$.....  
for completing the drainage works (or the sum of \$....., the  
proportion to be contributed by the municipality for completing the  
drainage works).

Whereas the requisite number of owners, as shown by the last revised  
assessment roll, of the property hereinafter set forth requiring drainage  
have petitioned the council of the.....of.....  
praying that the following lands and roads may be drained by a drainage  
works:

*(Set out description of lands and roads)*

And whereas the council has procured a report made by.....  
.....and the report is as follows:

*(Here set out the engineer's report)*

And whereas the council is of opinion that the drainage of the area  
described is desirable;

Therefore the council of the.....of.....,  
pursuant to *The Drainage Act, 1962-63*, enacts as follows:

1. The report is hereby adopted, and the drainage works as therein  
indicated and set forth are hereby authorized and shall be completed in  
accordance therewith.

2. The Corporation of the.....of.....  
may borrow on the credit of the Corporation the sum of \$.....,  
being the funds necessary for the drainage works not otherwise provided  
for (or being the municipality's proportion of the funds necessary for the  
drainage works); provided that such sum shall be reduced by the amount  
of grants and commuted payments with respect to lands and roads assessed,  
and may issue debentures of the Corporation to that amount in sums of  
not less than \$50 each, and payable within.....years from the  
date of such debentures with interest at the rate of.....per cent  
per annum:

*(Insert the manner of payment annually and whether with or without  
coupons, and, if the latter, omit the last lines of this paragraph)*

such debentures to be payable at....., and to have  
attached to them coupons for the payment of interest.

3. For paying the sum of (\$410), the amount charged against such  
lands and roads for benefit, and the sum of (\$108), the amount charged  
against such lands and roads for outlet liability, and the sum of (\$135),  
the amount charged against such lands and roads for injuring liability,  
apart from lands and roads belonging to or controlled by the municipality  
and for covering interest thereon for.....years, at the rate of  
.....per cent

.....per cent per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned parcels of land and parts of parcels and roads, and the amount of the total special rates and interest against

each parcel or part of parcel respectively shall be divided into..... equal parts, and one such part shall be assessed, levied and collected as

aforesaid, in each year, for.....years, after the passing of this by-law, during which the debentures have to run, provided that no greater amount shall be levied than is required after taking into account and crediting the amount of grants under subsection 3 of section 64 of *The Drainage Act, 1962-63*, the amount of moneys paid under a by-law passed under subsection 4 of section 40 of that Act and commuted payments with respect to lands and roads assessed.

Concession	Parcel of land or part thereof	Acres affected	Benefit assessment	Outlet liability assessment	Injuring liability assessment	Estimated grant	To cover interest for ... years at ... per cent	Total special rate	Annual assessment during each year for ..... years
			\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
10	5	200	100 00	23 00					
10	S. 1/2 6	100	50 00	10 00					
10	N. 1/4 6	50	30 00	5 00					
10	S. 1/2 8	100	80 00	13 00					
10	S. 1/2 & N.W. 1/4 9	150	150 00	20 00					
10	4	76	.....	24 00					
10	S. 1/2 3	100	.....	13 00					
9	W. 1/2 5	100	.....		40 00				
9	N. 1/4 6	50	.....		25 00				
9	N. 1/2 & S.E. 1/4 7	150	.....		70 00				
Total for benefit.....			410 00	108 00	135 00				
" outlet.....			108 00						
" injuring.....			135 00						
Roads (and lands) of municipality.....			100 00						
TOTAL.....			\$753 00						

4. For paying the sum of (\$100), the amount assessed against such roads and lands of the municipality, and for covering interest thereon

for.....years at the rate of.....per cent per annum, a special rate, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected)

upon and from the whole rateable property in the.....of

.....in each year for.....years, after the passing of this by-law, during which the debentures have to run.

5. This by-law comes into force on the passing thereof, and may be cited as the “.....By-law”.

FIRST READING.....

SECOND READING.....

THIRD READING.....

ENACTED this.....day of....., 19.....

.....  
(Head of Municipality)

.....  
(Clerk)

R.S.O. 1960, c. 252, Form 2.

FORM 5

(Section 63)

PETITION FOR GRANT

TO THE HONOURABLE, THE MINISTER OF.....

THE PETITION of The Corporation of the.....  
of.....

Sheweth:

1. On the.....day of....., 19....., the council of The Corporation of the.....of....., under By-law No....., adopted a report prepared by....., dated the.....day of....., 19....., for a drainage works to be known as The.....

2. The total estimated cost of the drainage works to be undertaken is \$.....

3. The approximate area of the lands affected by the drainage works is.....acres.

4. The report of the engineer, dated the.....day of....., 19....., is attached hereto.

5. Your petitioner therefore requests payment to it of the grant provided for in *The Drainage Act, 1962-63*.

Dated at the.....of....., this.....day of....., 19.....

.....  
(Head of Municipality)

.....  
(Clerk)

New.





## CHAPTER 40

**An Act to authorize the Guarantee by the  
Province of Loans made to promote the  
Economic Development of Ontario**

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "lender" means any financial institution that is approved for the purposes of this Act by the Minister;
- (b) "Minister" means the Minister of Economics and Development or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (c) "Treasurer" means the Treasurer of Ontario.

**2.** Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of any loan or any part thereof and the interest thereon made for development purposes by a lender to any person carrying on business in Ontario, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province, and any guarantee so signed is conclusive evidence that the terms of this Act have been complied with.

Advisory  
committee

3. The Lieutenant Governor in Council shall establish an advisory committee to assist him in considering applications for guarantees under this Act.

Experts

4. The Minister may engage the services of management consultants or other persons having technical or special knowledge or skills to assist him in the administration of this Act.

Regulations

5. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the conditions that shall prevail before applications for guarantees will be considered;
- (b) providing for and prescribing the reports and statements that applicants for guarantees or those whose loans are guaranteed shall make to the Minister;
- (c) prescribing forms and providing for their use;
- (d) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Economic Development Loans Guarantee Act, 1962-63*.

## CHAPTER 41

## An Act respecting Emergency Measures

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS it is desirable to co-operate with the Govern-<sup>Preamble</sup>  
ment of Canada in carrying out, in respect of Ontario,  
its responsibility for the security, defence, peace, order and  
welfare of Canada in the event of a real or apprehended war,  
invasion or insurrection;

AND WHEREAS it is advisable to make provision for the  
continued functioning of civil government in Ontario during  
an emergency caused by a real or apprehended war, invasion  
or insurrection or by natural causes;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. In this Act,

Interpre-  
tation

(a) "Commissioner" means the Commissioner of the  
Emergency Measures Organization of Ontario;

(b) "emergency" means,

(i) a real or apprehended war, invasion or insur-  
rection proclaimed to exist under the *War* R.S.C. 1952,  
*Measures Act* (Canada), or c. 288

(ii) a natural emergency declared to exist under  
section 3.

2.—(1) The Emergency Measures Organization of Ontario  
is continued and shall be under the administration of the  
Attorney General. <sup>Emergency  
Measures  
Organization  
continued</sup>

(2) The Lieutenant Governor in Council may appoint the  
Commissioner of the Emergency Measures Organization of  
Ontario and such other officers and employees as are deemed  
necessary. <sup>Appointment  
of Com-  
missioner  
and staff</sup>

Declaration  
of natural  
emergency

3. The Attorney General may declare a natural emergency to exist during the time, not exceeding ninety days, and in the part of Ontario that he designates.

Plans of  
provincial  
govern-  
mental  
bodies

4.—(1) It is the responsibility of,

(a) each Minister of the Crown presiding over a department of government; and

(b) each board, commission or other branch of government designated by the Lieutenant Governor in Council,

to formulate a plan to provide for the continued functioning of the necessary services of the department or branch of government in the event of an emergency.

Municipal  
plans

(2) Each county together with the local municipalities within the county that do not form part of the county for municipal purposes shall formulate a plan to provide for the continued functioning of municipal government and the necessary services of the municipalities in the event of an emergency.

Exception

(3) Notwithstanding subsection 2, the County of York and The Municipality of Metropolitan Toronto shall formulate separate plans.

Plans of  
municipalities

(4) Every municipality in a territorial district shall formulate a plan to provide for the continued functioning of municipal government and the necessary services of the municipality or municipalities in the event of an emergency.

Duties of  
Commissioner

5.—(1) Every plan shall be prepared under the supervision and guidance of the Commissioner.

Approval by  
Attorney  
General

(2) Every plan and every amendment to a plan is subject to the approval of the Attorney General, and, before approving a plan or amendment, the Attorney General may make such alterations as he considers necessary for the purpose of uniformity or of co-ordinating the plan with other authorities or plans.

Regulations

6. The Attorney General may make such regulations as he deems necessary for the purposes of this Act.

Agreements  
for  
contribution  
toward cost

7.—(1) The Attorney General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada in respect of the payment by



Canada to Ontario of any part of the cost to Ontario and to municipalities in Ontario of planning or preparing for an emergency or of executing emergency plans.

(2) The Attorney General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of any other province for the provision of any service, equipment or material in an emergency.

8. This Act comes into force on the day it receives Royal Assent.

9. This Act may be cited as *The Emergency Measures Act*, Short title 1962-63.



## CHAPTER 42

## An Act to amend The Execution Act

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Execution Act* is amended by striking out "For the registration of a notice under section 18, the registrar or master is entitled to a fee of 50 cents, and for the registration of a certificate under section 21, to the fee provided by *The Registry Act*, and" in the first, second, third and fourth lines, so that the section shall read as follows:

R.S.O. 1960,  
c. 126, s. 22,  
amended

22. For every notice of seizure under section 18, the sheriff is entitled to a fee of \$1, and for every certificate under section 21 to a fee of 75 cents.

Fees of  
sheriff

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-  
ment

3. This Act may be cited as *The Execution Amendment Act*, 1962-63.

Short title





## CHAPTER 43

**An Act respecting the Procedures for Expropriating Lands and for Determining Compensation for the Expropriation or Injurious Affection of Lands**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "Board" means the Ontario Municipal Board;

(b) "expropriate" means the taking of land without the consent of the owner by an expropriating authority in the exercise of its statutory powers, but does not include the taking of land for the widening of a highway where entry is deferred under section 338 of *The Municipal Act*;

R.S.O. 1960,  
c. 249

(c) "expropriating authority" means the Crown or any person empowered to acquire land by expropriation;

(d) "judge", except where otherwise described, means a judge of the county or district court of the county or district in which the land or the greater part of it is situate;

(e) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;

(f) "owner" includes a mortgagee, lessee, tenant, occupant, execution creditor, a person entitled to a limited estate or interest in land, a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;

(g)

(g) "registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper registry, land titles or sheriff's office, and includes a person shown as a tenant of land on the last revised assessment roll;

(h) "serve" means to serve personally or by registered letter addressed to the person to be served at his last known address, or, if that person is unknown or if his address is unknown, by publication once a week for three weeks in a newspaper having general circulation in the locality in which the land concerned is situate.

Application  
of Act

2.—(1) Notwithstanding any general or special Act, where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, this Act applies.

Idem,  
transitional  
provision

(2) This Act applies only to proceedings in respect of land expropriated or injuriously affected where the statutory power was exercised by the expropriating authority on or after the day on which this Act came into force, and, except as provided in subsection 3, where the statutory power was exercised before this Act came into force, such proceedings may be taken up and continued as if this Act had not been passed.

Saving

(3) Where the statutory power was exercised before this Act came into force, the expropriating authority or the owner may serve notice of arbitration under section 9 requiring the compensation to be determined by arbitration under section 10.

Conflict

(4) Where there is conflict between a provision of this Act and a provision of any other general or special Act, the provision of this Act prevails.

References  
in other  
Acts to  
R.S.O. 1960,  
cc. 249, 338,  
deemed  
references  
to this Act

(5) The provisions of any general or special Act providing procedures with respect to the expropriation of land or the compensation payable for land expropriated or injuriously affected that refer to *The Municipal Act*, *The Public Works Act* or any other Act shall be deemed to refer to this Act and not to *The Municipal Act*, *The Public Works Act* or other Act, as the case may be.

Crown  
bound  
by Act

3. This Act binds the Crown.

Vesting  
of title

4.—(1) Notwithstanding any general or special Act, where an expropriating authority has exercised its statutory powers to expropriate land, it shall register without undue delay in

the proper registry or land titles office a plan of the land signed by the expropriating authority and by an Ontario land surveyor, and thereupon, but not otherwise, the land vests in the expropriating authority.

(2) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan registered under this section shall indicate by appropriate words thereon that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and, by the registration in such case, the land for such limited time or such limited estate, right or interest therein vests in the expropriating authority.

Where land required temporarily, etc.

(3) In the case of an omission, misstatement or erroneous description in a plan registered under this section, the expropriating authority may register in the proper registry or land titles office a plan replacing or amending the original plan and signed by the expropriating authority and by an Ontario land surveyor, and a plan registered under this subsection shall be marked to show the nature of the replacement or amendment and is of the same force and effect as, and is in substitution for, the original plan to the extent that such plan is replaced or amended thereby.

Correction of errors

(4) Where a plan purports to have been signed by an expropriating authority under this section, it shall be presumed to have been signed by the expropriating authority without proof of the signature or official character of the person appearing to have signed it, unless otherwise directed by a court or the tribunal determining compensation under this Act.

Presumption as to signing

(5) Where a limited estate, right or interest in land is being taken under *The Power Commission Act* for an electrical transmission or distribution line carried on single poles, The Hydro-Electric Power Commission of Ontario may, before registering a plan under subsection 1, register in the proper registry or land titles office a preliminary plan, to be known as and marked "Preliminary Plan" and being a plan with or without local description, signed by the secretary of the Commission and illustrating the location of the proposed line and indicating by appropriate words thereon the nature of the estate, right or interest being taken, and such preliminary plan when registered has the same force and effect as a plan registered under subsection 1, but a plan in accordance with subsection 1 shall be registered within two years after the registration of the preliminary plan in substitution for the preliminary plan.

Ontario Hydro  
R.S.O. 1960,  
c. 300



Notice of  
Expropria-  
tion

5.—(1) Where a plan has been registered under section 4 and no agreement as to compensation has been made with the owner, the expropriating authority may serve the owner, and shall serve the registered owner, within sixty days after the date of registration of the plan, with a notice of expropriation of his land (Form 1), but failure to serve the notice does not invalidate the expropriation.

Where  
notice not  
served

(2) Where a plan has been registered under section 4 and a notice of expropriation has not been served in accordance with subsection 1, the registered owner may elect, by notice in writing served upon the expropriating authority,

- (a) to have the compensation to which he is entitled assessed as of the date of the registration of the plan under section 4; or
- (b) to have the compensation to which he is entitled assessed as of the date on which he was served with the notice of expropriation.

Right to  
compen-  
sation

6.—(1) Where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, the expropriating authority shall make due compensation to the owner of the land for the land expropriated or for any damage necessarily resulting from the exercise of such powers, as the case may be, beyond any advantage that he may derive from any work for which the land was expropriated or injuriously affected.

Reparation

(2) Where land is expropriated or is injuriously affected by an expropriating authority in the exercise of its statutory powers, the expropriating authority may, before the compensation is agreed upon or determined, undertake to make alterations or additions or to construct additional work or to abandon part of the land expropriated or to grant other lands or easements, in which case the compensation shall be determined having regard to such undertaking, and, if the undertaking has not already been carried out, the tribunal determining compensation shall declare that, in addition to the compensation determined, if any, the owner is entitled to have such alteration or addition made or such additional work constructed or such part of the land abandoned or such grant made to him.

Claim for  
compensa-  
tion for  
injurious  
affection

7.—(1) Subject to subsection 2, a claim for compensation for injurious affection of land caused by an expropriating authority where no land was expropriated shall be made by the owner of the land in writing with particulars of the claim within one year after the damage was sustained or after it became known to the owner, and, if not so made, the right to compensation is forever barred.



(2) Where the owner of land that is so injuriously affected <sup>Idem, where owner under disability</sup> is an infant, a mental incompetent or a person incapable of managing his affairs, his claim for compensation shall be made within one year after he ceased to be under the disability or, in the case of his death while under the disability, within one year after his death, and, if not so made, the right to compensation is forever barred.

**8.**—(1) Where land has been expropriated from an owner <sup>Offer of compensation for land expropriated</sup> and a plan has been registered under section 4 and no agreement as to compensation has been made with the owner, the expropriating authority shall, within six months after the date of registration of the plan and before taking possession of the land, serve upon the registered owner an offer in full payment of the compensation for all interests in the land, but failure to serve the offer does not invalidate the expropriation.

(2) The expropriating authority may, within the six-month <sup>Extension of period</sup> period mentioned in subsection 1 and before taking possession of the land, upon giving at least two days' notice to the registered owner, apply to the judge for an order extending the time for serving the offer under subsection 1.

(3) If the offer required to be served under subsection 1 <sup>Failure to serve</sup> is not served within the time limited by subsection 1 or by an order of a judge under subsection 2, interest upon any compensation payable to the registered owner shall be calculated from the date of registration of the plan.

**9.** Where the expropriating authority and the owner have <sup>Notice of arbitration</sup> not agreed upon the compensation payable under section 6 and, in the case of injurious affection, section 7 has been complied with, or, in the case of expropriation, section 8 has been complied with or the time for complying therewith has expired, the expropriating authority or the owner may serve notice of arbitration upon the other of them, stating that he or it, as the case may be, requires the compensation to be determined by arbitration under this Act.

**10.**—(1) Where the expropriating authority is a municipality as defined in *The Department of Municipal Affairs Act*, <sup>Tribunal for determining compensation where a municipality is the expropriating authority</sup> a claim for compensation, if not agreed upon by the authority and the owner, shall be determined by,

(a) the judge, in which case the provisions of *The Municipal Arbitrations Act* as to procedure apply; <sup>R.S.O. 1960, cc. 98, 250, 274, 249</sup>

(b) the official arbitrator, in which case the provisions of *The Municipal Arbitrations Act* as to procedure apply; or

(c)

(c) the Board, in which case the provisions of *The Ontario Municipal Board Act* as to procedure apply, as provided for in Part XVI of *The Municipal Act*.

Idem,  
pipe line  
companies  
R.S.O. 1960,  
c. 122

(2) Where the expropriating authority is a corporation to which Part II of *The Energy Act* applies, a claim for compensation, if not agreed upon by the authority and the owner, shall be determined under section 14 of *The Energy Act*.

Idem,  
gas storage  
R.S.O. 1960,  
c. 271

(3) Where the expropriating authority has received its authority under section 19 of *The Ontario Energy Board Act*, a claim for compensation, if not agreed upon by the authority and the owner, shall be determined under that section.

Idem,  
Crown and  
other ex-  
propriating  
authorities  
R.S.O. 1960,  
c. 274

(4) Where the expropriating authority does not come within subsection 1, 2 or 3, a claim for compensation, if not agreed upon by the authority and the owner, shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except sections 94 and 95, applies so far as is practicable to every such claim.

Appeals

**11.**—(1) The expropriating authority or the owner may appeal to the Court of Appeal from any determination or order of a judge, an official arbitrator or the Board under section 10.

Idem

(2) The practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court, except that the appeal may be taken at any time within six weeks from the day the determination or order was sent by registered mail to the parties, and the determination or order shall be deemed to have been received on the second day following its mailing, and the period of any vacation of the Supreme Court shall not be reckoned in computing such six weeks.

Commence-  
ment of  
compensa-  
tion for  
expropriated  
land

**12.** Subject to subsection 2 of section 5, where land has been expropriated, the compensation therefor shall be determined as of the date of registration of the plan under subsection 1 or 5 of section 4.

Costs

**13.** The tribunal determining compensation under this Act may award costs, but, where the total amount of the compensation to all owners of any parcel of land expropriated is less than \$1,000, the tribunal may include in any award of costs a sum not exceeding 65 per cent of the cost of the preparation of reports of appraisers used in determining the amount of compensation.

Interest

**14.**—(1) Subject to subsection 3 of section 8, the tribunal determining compensation may allow interest on the amount of compensation at the rate of 5 per cent per annum from such date as is fixed by the tribunal.

(2) Where the tribunal determining compensation is of <sup>Idem</sup> the opinion that any delay in determining the compensation is attributable in whole or in part to the owner, it may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears reasonable.

(3) Notwithstanding subsection 1, where the expropriating authority has offered to the registered owner under section 8 <sup>Where no interest and costs</sup> a sum equal to or greater than the compensation determined, the registered owner shall not be allowed any interest after the date of the offer or any costs, unless the tribunal determining the compensation otherwise orders.

**15.**—(1) Where land has been expropriated, the compensation stands in the stead of the land, and any claim to or encumbrance on the land is, as respects the expropriating authority, converted into a claim to or upon the compensation and no longer affects the land. <sup>Character of compensation</sup>

(2) Where the owner who is entitled to convey the land that has been expropriated and the expropriating authority agree as to the compensation or the compensation has been determined and in either case it does not exceed \$1,000, the expropriating authority may pay the compensation to the owner who is entitled to convey the land, saving always the rights of any other person to the compensation as against the person receiving it, and such payment discharges the expropriating authority from all liability in respect of the compensation. <sup>Payment of compensation not exceeding \$1,000</sup>

**16.** Where an owner of the land is unknown, is under a disability or for any other reason is not represented, a judge of the Supreme Court may, after due notice to the persons interested, appoint a person to represent such owner for any of the purposes of this Act, and any action of a person so appointed is binding on the person whom he represents. <sup>Representative</sup>

**17.**—(1) In any case where the expropriating authority deems it advisable, it may, without an order, pay the compensation agreed upon or determined into the office of the Accountant of the Supreme Court together with a sum equal to the interest thereon at the rate of 5 per cent per annum for six months. <sup>Payment into court</sup>

(2) Upon an application for payment out of court of compensation paid into court, a judge of the Supreme Court may direct that such notice of the application be given by publication or otherwise as he deems proper and may direct the trial <sup>Payment out of court</sup>

of



of an issue or make such order with respect to the payment out of court of compensation and as to costs as he deems reasonable.

Adjustment  
of interest

(3) Where an order is obtained under subsection 2 in less than six months after the payment of the compensation into court, the judge making the order may direct that a proportionate part of the interest be returned to the expropriating authority.

Where  
unborn  
issue  
interested

(4) Where unborn issue or an unascertained person or class is interested in compensation paid into court, a judge of the Supreme Court may appoint such person as he deems proper to represent them, and any order made under this section is binding on them.

Payment  
before  
possession

**18.** Where land has been expropriated and the compensation has not been agreed upon or determined, the expropriating authority, before taking possession of the land, shall offer to the registered owner a sum not less than 50 per cent of the amount to which he may be entitled as estimated by the expropriating authority, and, if the registered owner accepts that sum, it shall be paid and applied in partial payment of any compensation that may subsequently be agreed upon or determined.

Possession  
of expro-  
priated land

**19.—**(1) Where land that has been expropriated is vested in an expropriating authority and the expropriating authority has served the registered owner with a notice that it requires possession of the land on the date specified therein, the expropriating authority, if no application is made under subsection 3, is entitled to enter upon and take possession of the land on the date specified in the notice.

Date for  
possession

(2) The date for possession shall be at least ten days after the date of the serving of the notice of possession.

Application  
for post-  
ponement of  
possession

(3) A registered owner or an expropriating authority may, upon such notice as the judge directs, apply to a judge for an adjustment of the date for possession specified in the notice of possession, and the judge, if he considers that under all the circumstances the application should be granted, may fix the date for possession.

Warrant to  
put down  
resistance  
to entry, etc.

**20.—**(1) Where resistance or opposition is made to the expropriating authority or any person authorized by it in entering upon, using or taking possession of land when it is entitled so to do, it may apply to a judge for a warrant directing the sheriff to put down the resistance or opposition.

Hearing

(2) The judge shall, in writing, appoint a time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons as he prescribes.



(3) On proof of the resistance or opposition, the judge may <sup>Issue of</sup> issue a warrant (Form 2). <sup>warrant</sup>

(4) The sheriff shall forthwith execute the warrant and make <sup>Return</sup> a return to the judge of the execution thereof.

**21.**—(1) Where, at any time before the date specified in <sup>Abandon-</sup> the notice of possession served under section 19, the land or <sup>ment of</sup> any part thereof is found to be unnecessary for the purposes <sup>expropriated</sup> of the expropriating authority or if it is found that a more <sup>land</sup> limited estate or interest therein only is required, the expropriating authority may, by an instrument signed by it and registered in the proper registry or land titles office and served on the owner who was served with notice of expropriation, declare that the land or such part thereof is not required and is abandoned by the expropriating authority or that it is intended to retain only such limited estate or interest as is mentioned in the instrument, and thereupon,

(a) the land declared to be abandoned reverts in the owner from whom it was expropriated and those entitled to claim under him; or

(b) in the event of a limited estate or interest only being retained by the expropriating authority, the land so reverts subject to such limited estate or interest.

(2) Where part only of the land or all of it except a limited <sup>Partial</sup> estate or interest therein is abandoned, the fact of such <sup>abandon-</sup> abandonment and the damage, if any, sustained in consequence of that which is abandoned having been expropriated and all the other circumstances of the case shall be taken into account in determining the compensation for the part or the limited estate or interest that is not abandoned. <sup>ment</sup>

(3) Where the whole of the land is abandoned, the owner <sup>Complete</sup> from whom it was expropriated is entitled to compensation <sup>abandon-</sup> for all damages sustained and all costs incurred by him in consequence of the expropriation and abandonment, and the amount of the compensation, if not agreed upon by the parties, shall be determined under this Act and not otherwise. <sup>ment</sup>

**22.** This Act comes into force on a day to be named by <sup>Commence-</sup> the Lieutenant Governor by his proclamation. <sup>ment</sup>

**23.** This Act may be cited as *The Expropriation Procedures* <sup>Short title</sup> Act, 1962-63.

## FORM 1

*The Expropriation Procedures Act, 1962-63*

(Section 5 (1) )

## NOTICE OF EXPROPRIATION

To.....  
(Registered Owner)

## TAKE NOTICE:

1. That the..... did, on the ..... day of  
(Name of Authority)  
....., 19....., register as No..... in the  
.....  
(Proper Land Titles or Registry Office)  
a plan of expropriation in accordance with *The Expropriation Procedures Act, 1962-63*, and that the land defined therein is vested in the .....  
..... for its use.  
(Name of Authority)

2. Attached hereto is a copy of the relevant portion of the plan of expropriation of your land (or a description thereof).

3. That, under *The Expropriation Procedures Act, 1962-63*, the  
..... will be notifying you of the amount of  
(Name of Authority)  
compensation, if any, it is willing to pay for the land expropriated and for the damages resulting therefrom and that, if you are not satisfied with the offer, you are entitled to have the compensation determined by  
.....or.....  
(Name of Tribunal) (Alternative Tribunal, if any)  
upon your making application to it.

4. That for any further information respecting this matter you may communicate with.....  
(Name of Authority, Officer or Agent)  
at.....  
(Address)

DATED at....., this..... day of....., 19.....

.....  
(Name of Authority, Officer or Agent)

FORM 2

*The Expropriation Procedures Act, 1962-63*

(Section 20 (3) )

WARRANT

Province of Ontario  
County (or District) of

IN THE MATTER OF  
*The Expropriation Procedures Act, 1962-63*  
and IN THE MATTER OF  
.....

To:

SHERIFF, etc.:

WHEREAS resistance or opposition has been made to .....

..... or a person authorized by it entering upon,  
(*Expropriating Authority*)  
using or taking possession of (*or as the case may be*) the land described as follows:

AND WHEREAS the proof required by section 20 of *The Expropriation Procedures Act, 1962-63* has been made before me;

THIS IS THEREFORE to command you in Her Majesty's name forthwith to put down such resistance or opposition and put the .....  
.....in possession of the said land (*or as the case*  
(*Expropriating Authority*)  
*may be*), and make a return to me of your execution hereof.

GIVEN under my hand this.....day of....., 19.....

.....  
*Judge*





## CHAPTER 44

**An Act to amend  
The Factory, Shop and Office Building Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of *The Factory, Shop and Office Building Act* is repealed. R.S.O. 1960,  
c. 130, s. 4,  
repealed

**2.** Subsections 1 and 2 of section 7 of *The Factory, Shop and Office Building Act* are repealed. R.S.O. 1960,  
c. 130, s. 7,  
subss. 1, 2,  
repealed

**3.** Subsection 5 of section 54 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 130, s. 54,  
subs. 5,  
re-enacted

(5) No person shall be allowed to enter a tank, chamber, pit, pipe, flue or other confined space in which dangerous vapours, mists, fumes, dusts or extreme temperatures are liable to be present in a factory unless,

- (a) such confined space has a manhole or other means of easy egress and has been thoroughly ventilated and tested to be safe for entry;
- (b) such person is wearing suitable breathing apparatus and a safety harness to which there is securely attached a rope the free end of which is held by a person outside the confined space;
- (c) there is conveniently available suitable reviving apparatus and a person trained in the operation thereof to the satisfaction of an inspector,

and such safety harness, rope and other apparatus shall be periodically inspected by the employer and maintained in good working order.

R.S.O. 1960,  
c. 130, s. 60,  
amended

4.—(1) Section 60 of *The Factory, Shop and Office Building Act* is amended by striking out “six” in the fourth line and in the sixth line and inserting in lieu thereof in each instance “three” and by striking out “less than \$10 and not more than \$30” in the ninth line and inserting in lieu thereof “more than \$100”, so that subsection 1 of the said section shall read as follows:

Notice of  
accident  
to be given  
to inspector

- (1) Where a fire, accident or industrial disease in a factory, shop, bakeshop, restaurant or office building occasions any bodily injury to a person employed therein whereby he is prevented from working for more than three days, a notice in the prescribed form shall be sent to the chief inspector by the employer forthwith after the expiration of such three days, and, if such notice is not so sent, the employer is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

R.S.O. 1960,  
c. 130, s. 60,  
amended

- (2) The said section 60 is further amended by adding thereto the following subsection:

Alternative  
notice  
R.S.O. 1960,  
c. 437

- (2) A true copy of the notice mentioned in section 115 of *The Workmen's Compensation Act* may be sent in lieu of the prescribed form mentioned in subsection 1..

R.S.O. 1960,  
c. 130, s. 62,  
re-enacted

5. Section 62 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Fatal  
accidents;  
critical  
injuries

62. Where in a factory, shop, bakeshop, restaurant or office building a person is killed from any cause or is injured critically from any cause,

- (a) the employer shall forthwith notify an inspector by telephone, telegram or other direct means of the occurrence, and shall, within forty-eight hours after the occurrence, send the chief inspector a written report of the circumstances of the occurrence; and
- (b) no person shall, except for the purposes of saving life or relieving human suffering, interfere with, disturb, destroy or carry away, or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1962-63*.

## CHAPTER 45

# An Act to amend The Farm Products Marketing Act

*Assented to (except sec. 1 (1) ) April 3rd, 1963*

*Sec. 1 (1) assented to April 26th, 1963*

*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of section 1 of *The Farm Products Marketing Act* is amended by adding at the end thereof “and, for the purposes of this Act, fish shall be deemed to be a farm product”, so that the clause shall read as follows:

R.S.O. 1960,  
c. 137, s. 1,  
cl. *b*,  
amended

(*b*) “farm product” means animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco, wood, or any class or part of any such product, and such articles of food or drink manufactured or derived in whole or in part from any such product, and such other natural products of agriculture as are designated by the regulations, and, for the purposes of this Act, fish shall be deemed to be a farm product.

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 1,  
cl. *e*,  
re-enacted

(*e*) “marketing” means buying, selling and offering for sale, and includes advertising, financing, assembling, storing, packing and shipping and transporting in any manner by any person, and “market” and “marketed” have corresponding meanings.

R.S.O. 1960,  
c. 137, s. 1,  
cl. *f*,  
repealed

(3) Clause *f* of the said section 1 is repealed.

(4) Clause *h* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 1,  
cl. *h*,  
re-enacted

(*h*) “plan” means a plan to provide for the control and regulation of the marketing of a farm product that is in force under this Act, and includes a scheme approved under any predecessor of this Act.

R.S.O. 1960,  
c. 137, s. 2,  
re-enacted

2. Section 2 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

Purpose  
of Act

2. The purpose and intent of this Act is,

- (a) to provide for the control and regulation in any or all respects of the marketing within Ontario of farm products; and
- (b) where a plan established under this Act for control and regulation of the marketing of a regulated product is amended to provide for control and regulation in any or all respects of the producing of the regulated product, to provide for control and regulation in any or all respects of the producing and marketing within Ontario of the regulated product,

including the prohibition of such marketing or such producing and marketing, as the case may be, in whole or in part.

R.S.O. 1960,  
c. 137, s. 4,  
subs. 1,  
cl. *aa*  
(1961-62,  
c. 41, s. 1),  
re-enacted

3.—(1) Clause *aa* of subsection 1 of section 4 of *The Farm Products Marketing Act*, as enacted by section 1 of *The Farm Products Marketing Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- (*aa*) investigate any matter relating to the producing, marketing or processing of a regulated product;
- (*ab*) after a hearing, prohibit a person engaged in marketing a regulated product from terminating or varying, without just cause, the buying or the selling, as the case may be, of the regulated product.

R.S.O. 1960,  
c. 137, s. 4,  
subs. 1, cl. *a*,  
re-enacted

(2) Clause *e* of subsection 1 of the said section 4 is repealed and the following substituted therefor:

- (*e*) appoint persons to inspect the books, records, lands and premises and any regulated product of persons engaged in the marketing of the regulated product;
- (*ea*) appoint persons to inspect,
  - (i) the books and records,
  - (ii) the lands and premises,
  - (iii) any flue-cured tobacco, and
  - (iv) any growing plants or other development in the producing of flue-cured tobacco,

of persons engaged in the producing of flue-cured tobacco.

R.S.O. 1960,  
c. 137, s. 4,  
subs. 4, cl. *a*,  
re-enacted

(3) Clause *a* of subsection 4 of the said section 4 is repealed and the following substituted therefor:

(a)



(a) providing for the filing by each local board with the Board of true copies of,

- (i) minutes of all meetings of the local board,
- (ii) all by-laws of the local board.
- (iii) all orders and directions of the local board,
- (iv) all reports of annual operations of the local board,
- (v) all annual financial statements and audited reports of the local board, and
- (vi) such further statements and reports as the Board requires from the local board.

(4) Subclauses i and ii of clause b of subsection 4 of the said section 4 are repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 4, subs. 4, cl. b, subcls. 1, ii, re-enacted

- (i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of each local board, and
- (ii) the publication of the annual statement of operations and the financial report of each local board; and

4. Section 5 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 5, re-enacted

5.—(1) Where the Board receives from a group of producers in Ontario or any part thereof a petition or request asking that a plan be established for the control and regulation of the marketing of a farm product or any class or part thereof and the Board is of the opinion that the group of producers is representative of the persons engaged in the production of the farm product or class or part thereof, the Board may recommend the establishment of such plan to the Minister. Petition for a plan

(2) Where the Board receives from a local board a request that amendment be made to the plan or to regulations under the plan under which the local board is constituted, the Board may recommend such amendment to the Minister. Amendment to plan

5.—(1) Subsection 1 of section 6 of *The Farm Products Marketing Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 137, s. 6, subs. 1, amended

(aa) amending any plan that is established for the control and regulation of the marketing of a regulated

product

product to provide for the control and regulation in any or all respects of the producing within Ontario or any part thereof of the regulated product under the plan.

R.S.O. 1960,  
c. 137, s. 6,  
subs. 1, cl. b,  
re-enacted

(2) Clause *b* of subsection 1 of the said section 6 is repealed and the following substituted therefor:

(*b*) defining any word or words for the purpose of any plan.

R.S.O. 1960,  
c. 137, s. 6,  
subs. 1, cl. *f*,  
re-enacted

(3) Clause *f* of subsection 1 of the said section 6 is repealed and the following substituted therefor:

(*f*) notwithstanding any other Act, providing for,

(i) the carrying out by the Board or a trustee of any or all of the powers of a local board,

(ii) the vesting of the assets of a local board in the Board or a trustee, and

(iii) the disposing of any or all of the assets of a local board in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the local board, the regulation prevails.

R.S.O. 1960,  
c. 137, s. 6,  
subs. 2,  
re-enacted

(4) Subsection 2 of the said section 6 is repealed and the following substituted therefor:

Application  
of plan

(2) A plan may apply to all of Ontario or to any area within Ontario and may apply to one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose, and to any or all persons engaged in producing or marketing one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose.

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
amended

**6.—**(1) Subsection 1 of section 8 of *The Farm Products Marketing Act* is amended by striking out "marketed locally within Ontario" in the second and third lines, so that the subsection, exclusive of the paragraphs, shall read as follows:

Regulations

(1) The Board may make regulations generally or with respect to any regulated product,

. . . . .

(2) Paragraph 7a of subsection 1 of the said section 8, as enacted by section 2 of *The Farm Products Marketing Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 7a  
(1961-62,  
c. 41, s. 2),  
re-enacted

- 7a. requiring any person who produces and processes a regulated product to furnish to the Board or the local board statements of the amounts of the regulated product that he produced in any year and used for processing.

(3) Paragraph 9 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 9,  
re-enacted

9. providing for the exemption from any or all of the regulations, orders or directions under any plan of any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product.

(4) Paragraph 11 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 11,  
re-enacted

11. providing for the control and regulation of the producing of flue-cured tobacco, including the times and places at which flue-cured tobacco may be produced;

11a. providing for,

- (i) the marketing of a regulated product on a quota basis,
- (ii) the fixing and allotting to persons of quotas for the marketing of a regulated product on such basis as the Board deems proper,
- (iii) the refusing to fix and allot to any person a quota for the marketing of a regulated product for any reason that the Board deems proper, and
- (iv) the reducing of, or the refusing to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the Board deems proper;

11b. prohibiting,

- (i) any person to whom a quota has not been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product,

(ii)

- (ii) any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota, and
- (iii) any person to whom a quota has been fixed and allotted for the marketing of a regulated product produced on land in respect of which such quota was fixed and allotted from marketing any of the regulated product other than the regulated product produced on such land.

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 14,  
amended

(5) Paragraph 14 of subsection 1 of the said section 8 is amended by striking out "or marketing agency" in the second line, so that the paragraph shall read as follows:

14. notwithstanding any other Act, providing that no local board shall make grants or other like payments of money to any person or association or body of persons without the approval of the Board.

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
amended

(6) Subsection 1 of the said section 8 is further amended by adding thereto the following paragraph:

- 19a. requiring that no charges, costs or expenses relating to the production or marketing of the regulated product shall be made other than such charges, costs or expenses as are provided in the agreement or award or re-negotiated agreement or award in force for the marketing of the regulated product.

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 20,  
re-enacted

(7) Paragraph 20 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

20. authorizing any local board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product and requiring such local board, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade and size of the regulated product delivered by him, and authorizing such local board to make an initial payment on delivery of the regulated product and subsequent payments until all of the remainder of the moneys received from the sale is distributed to the producers.



(8) Paragraph 21 of subsection 1 of the said section 8 is amended by adding at the end thereof "and to recover such price or prices by suit in a court of competent jurisdiction", so that the paragraph shall read as follows:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 21,  
amended

21. authorizing any local board to require the price or prices payable or owing to the producers for the regulated product to be paid to or through the local board and to recover such price or prices by suit in a court of competent jurisdiction.

(9) Paragraph 22 of subsection 1 of the said section 8 is amended by striking out "except where a marketing agency has been designated for the marketing of a regulated product" in the first and second lines, so that the paragraph shall read as follows:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 22,  
amended

22. authorizing any local board to prohibit the marketing of any class, variety, grade or size of any regulated product.

(10) Paragraph 25 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 25,  
re-enacted

25. providing for the holding of a plebiscite of producers upon a question of favour of a plan or amendment of a plan or any matter respecting the marketing of a regulated product.

(11) Paragraphs 26 and 27 of subsection 1 of the said section 8 are repealed.

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
pars. 26, 27,  
repealed

(12) Paragraph 28 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 28,  
re-enacted

28. providing for the holding of public hearings on matters respecting the operation of any plan or the holding of a plebiscite of producers;
- 28a. requiring any person who produces a regulated product to offer to sell and to sell the regulated product through the local board constituted to administer the plan under which the regulated product is regulated;
- 28b. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold by or through the local board constituted to administer the plan established for control and regulation of the marketing of the regulated product.

R.S.O. 1960,  
c. 137, s. 8,  
subs. 2,  
cl. a,  
amended

(13) Clause *a* of subsection 2 of the said section 8 is amended by inserting after "may" in the second line "notwithstanding any defect in the establishment of the negotiating agency or the board of arbitration, as the case may be", so that the clause shall read as follows:

- (a) shall be filed with the Board forthwith after the making thereof and the Board may, notwithstanding any defect in the establishment of the negotiating agency or the board of arbitration, as the case may be, by order declare the agreement or award or re-negotiated agreement or award or part thereof to come into force on the day it is so filed or on such later day as is named in the agreement or award or re-negotiated agreement or award, as the case may be, and, subject to clause *b*, shall remain in force for one year or for such period as is provided in the agreement or award or re-negotiated agreement or award; and

. . . . .

R.S.O. 1960,  
c. 137, s. 8,  
subs. 5,  
amended

(14) Subsection 5 of the said section 8 is amended by striking out "paragraphs 1 to 12 of" in the second line, so that the subsection shall read as follows:

Delegation  
of powers  
to local  
board

- (5) The Board may delegate to a local board such of its powers under subsection 1 as it deems necessary, and may at any time terminate such delegation.

R.S.O. 1960,  
c. 137, s. 9,  
subs. 1,  
amended

7.—(1) Subsection 1 of section 9 of *The Farm Products Marketing Act* is amended by striking out "marketing agency" in the second line and in the third line and inserting in lieu thereof in each instance "local board" and by striking out "locally within Ontario" in the fifth line, so that the subsection, exclusive of the clauses, shall read as follows:

Regulations  
vesting  
powers in  
local board

- (1) The Board may make regulations vesting in any local board any powers that the Board deems necessary or advisable to enable such local board effectively to promote, regulate and control the marketing of the regulated product, and, without limiting the generality of the foregoing, may make regulations,

. . . . .

R.S.O. 1960,  
c. 137, s. 9,  
subs. 1, cl. a,  
amended

(2) Clause *a* of subsection 1 of the said section 9 is amended by striking out "marketing agency designated under paragraph 26 of subsection 1 of section 8" in the first and second lines and inserting in lieu thereof "local board", so that the clause, exclusive of the subclauses, shall read as follows:

(a)

- (a) vesting in any local board any or all of the following powers:

(3) Subclause v of clause *a* of subsection 1 of the said section 9 is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. *a*, subcl. v, re-enacted

- (v) to fix and impose service charges from time to time for the marketing of the regulated product.

(4) Subclause vi of clause *a* of subsection 1 of the said section 9 is amended by striking out "marketing agency" in the third line and inserting in lieu thereof "local board", so that the subclause shall read as follows: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. *a*, subcl. vi, amended

- (vi) to require the price or prices payable or owing to the producer for the regulated product to be paid to or through the local board.

(5) Subclause viii of clause *a* of subsection 1 of the said section 9 is amended by striking out "marketing agency" in the third line and inserting in lieu thereof "local board", so that the subclause shall read as follows: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. *a*, subcl. viii, amended

- (viii) to purchase or otherwise acquire such quantity or quantities of the regulated product as the local board deems advisable.

(6) Clause *a* of subsection 1 of the said section 9 is further amended by adding thereto the following subclauses: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. *a*, amended

- (ix) to pay from service charges imposed under subclause v its expenses in carrying out the purposes of the plan,

- (x) to pay to the producers the price or prices for the regulated product less service charges imposed under subclause v and to fix the times at which or within which such payments shall be made.

(7) Clauses *b*, *c*, *d* and *e* of subsection 1 of the said section 9 are repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 9, subs. 1, cls. *b*, *c*, re-enacted; cls. *d*, *e*, repealed

- (b) providing that the regulated product shall be marketed by or through the local board and prohibiting any person from marketing any of the regulated product except by or through the local board;

- (c) providing for statements to be given by any local board to producers showing the class, variety, grade or size and the number or quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by it.



R.S.O. 1960,  
c. 137, s. 9,  
subs. 2,  
amended

(8) Subsection 2 of the said section 9 is amended by striking out "marketing agency" in the first line and inserting in lieu thereof "local board", so that the subsection shall read as follows:

Powers may  
be limited

(2) Any powers exercisable by a local board may be limited as to time and place.

R.S.O. 1960,  
c. 137, s. 9,  
subs. 3,  
amended

(9) Subsection 3 of the said section 9 is amended by striking out "or its marketing agency" in the fourth line, so that the subsection, exclusive of the clauses, shall read as follows:

Board may  
require  
information

(3) The Board may from time to time with respect to any regulated product require the local board to furnish any information that the Board deems necessary to determine the operations of the local board and, without limiting the generality of the foregoing, may require the local board to furnish particulars of,

. . . . .

R.S.O. 1960,  
c. 137, s. 9,  
subs. 3,  
cl. d,  
amended

(10) Clause *a* of subsection 3 of the said section 9 is amended by striking out "clause *b*" and inserting in lieu thereof "sub-clause *v* of clause *a*", so that the clause shall read as follows:

(a) the service charges fixed under subclause *v* of clause *a* of subsection 1.

R.S.O. 1960,  
c. 137, s. 9,  
subs. 3,  
cl. d,  
amended

(11) Clause *d* of subsection 3 of the said section 9 is amended by striking out "or the marketing agency" in the second line, so that the clause shall read as follows:

(d) operating deficits or profits and reserves of the local board.

R.S.O. 1960,  
c. 137, s. 9,  
subs. 3,  
cl. e,  
amended

(12) Clause *e* of subsection 3 of the said section 9 is amended by striking out "or the marketing agency" in the second line, so that the clause shall read as follows:

(e) property leased, owned or otherwise acquired or used by the local board; and

. . . . .

R.S.O. 1960,  
c. 137, s. 9,  
subs. 4,  
amended

(13) Subsection 4 of the said section 9 is amended by striking out "clause *b*" in the third line and inserting in lieu thereof "subclause *v* of clause *a*", so that the subsection shall read as follows:



- (4) The Board may by order in respect of any regulated product require the local board to fix the service charges under subclause v of clause a of subsection 1 at such amounts, or at amounts not exceeding such amounts, as the Board deems proper. Maximum service charges

- (14) Subsections 6 and 7 of the said section 9 are repealed.

R.S.O. 1960,  
c. 137, s. 9,  
subss. 6, 7,  
repealed

8. Section 10 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 10,  
re-enacted

10. Where the Board delegates to a local board any of its powers or vests in a local board powers to promote, regulate and control the marketing of a regulated product, the Board may, at any time, Limitation of powers of local board

(a) limit the powers of the local board in any or all respects; and

(b) revoke any regulation, order or direction of the local board made or purporting to be made under such powers.

9. Section 13 of *The Farm Products Marketing Act* is amended by inserting after "order" in the third line "regulation" and by striking out "or any marketing agency" in the fourth line, so that the section shall read as follows: R.S.O. 1960,  
c. 137, s. 13,  
amended

13. Every person who fails to comply with or contravenes any of the provisions of this Act, or of the regulations, or of any plan, or of any order, regulation or direction of the Board or any local board, or of any agreement or award or re-negotiated agreement or award filed with the Board, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$50 and for a subsequent offence to a fine of not less than \$50 and not more than \$500. Offences

10. Section 16 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 137, s. 16,  
re-enacted

16. In an action or prosecution under this Act where the production of an agreement, award, order, regulation, direction, rule, resolution, determination or minute of the Board or a local board is required, any document purporting to be a copy of such agreement, award, order, regulation, direction, rule, resolution, determination or minute, certified to be a true copy thereof by the chairman or secretary of the Board or the local board, as the case may be, is admissible Evidence

in evidence as *prima facie* proof of the making and the text thereof without production of the original document and without proof of the signature of the person purporting to have certified it.

R.S.O. 1960,  
c. 137,  
amended

**11.** *The Farm Products Marketing Act* is amended by adding thereto the following section:

Interpre-  
tation

18.—(1) In this section,

(a) “local board” means The Ontario Flue-Cured Tobacco Growers’ Marketing Board;

(b) “producing” means planting, growing, harvesting, curing and preparing for sale, and “produced” and “production” have corresponding meanings;

(c) “tobacco” means unmanufactured flue-cured tobacco produced in Ontario;

(d) “tobacco acreage” means a number of acres of land fixed and allotted to a person for the producing in any year of tobacco on a tobacco farm; and

(e) “tobacco farm” means one or more parcels of land in respect of which the Board or the local board determines,

(i) the land is suitable for the producing of tobacco, and

(ii) the producer has provided such buildings or other structures and equipment as are suitable and adequate for the producing of tobacco,

and in respect of which the Board or the local board, as the case may be, allots a tobacco acreage.

Regulations  
re tobacco

(2) The Board may make regulations,

(a) notwithstanding paragraph 3 of subsection 1 of section 8, providing for the refusal to grant a licence for the producing of tobacco for any reason that the Board deems proper;

(b)

(b) providing for,

- (i) the producing of tobacco on a basis of tobacco acreage or other production quota,
- (ii) the fixing and allotting to persons of tobacco acreages or other production quotas on such basis as the Board deems proper,
- (iii) the refusing to fix and allot to any person a tobacco acreage or other production quota for any reason that the Board deems proper, and
- (iv) the reducing of, or the refusing to increase, a tobacco acreage or other production quota fixed and allotted to any person for any reason that the Board deems proper;

(c) prohibiting,

- (i) any person to whom a tobacco acreage or other production quota has not been fixed and allotted from producing tobacco,
- (ii) any person to whom a tobacco acreage or other production quota has been fixed and allotted from producing any tobacco on acreage in excess of the tobacco acreage, or other production quota, fixed and allotted to such person, and
- (iii) any person from producing tobacco on land other than a tobacco farm in respect of which a tobacco acreage or other production quota has been fixed and allotted to such person;

(d) providing for the destroying of any growing tobacco plants or other development in the producing of tobacco, or of tobacco produced in Ontario by any person,

- (i) to whom a tobacco acreage or other production quota has not been fixed and allotted,

(ii)

- (ii) on acreage in excess of the tobacco acreage, or other production quota, fixed and allotted to such person, or
- (iii) on land other than a tobacco farm in respect of which a tobacco acreage or other production quota has been fixed and allotted to such person.

Regulations  
may be  
limited

- (3) Any regulation made under this section may be limited as to time and place.

Delegation  
of powers to  
local board

- (4) The Board may delegate to the local board such of the powers under subsection 2 as it deems necessary and may at any time terminate such delegation.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1962-63*.



## CHAPTER 46

## An Act to amend The Fire Departments Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Fire Departments Act* is amended by R.S.O. 1960, relettering clause *a* as clause *aa* and by adding thereto the amended c. 145, s. 1, following clause:

- (a) "deputy chief" means the one person who has been appointed by the council of the municipality to act in the place of the chief of the fire department in his absence or in the case of a vacancy in the office.

**2.—(1)** Clause *c* of subsection 1 of section 2 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 2, subs. 1, cl. *c*, re-enacted

- (c) any other system of platoons or hours of work under which the maximum hours of work or hours on duty on the average in any work week are not more than fifty-six hours up to and including the 31st day of December, 1963, and are not more than forty-eight hours thereafter. Alternative systems

(2) Subsection 3 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 2, subs. 3, re-enacted

- (3) No full-time fire fighter shall be required to be on duty on the average in any work week more than fifty-six hours up to and including the 31st day of December, 1963, and not more than forty-eight hours thereafter. Maximum hours

**3.** Subsection 1 of section 5 of *The Fire Departments Act* is amended by inserting after "chief" in the seventh line "and the deputy chief", so that the subsection shall read as follows: R.S.O. 1960, c. 145, s. 5, subs. 1, amended

## Bargaining

- (1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall within 120 days after receipt of the request commence to bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief and the deputy chief of the fire department.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

## Short title

5. This Act may be cited as *The Fire Departments Amendment Act, 1962-63*.

## CHAPTER 47

## An Act to amend The Fire Marshals Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Fire Marshals Act*, as enacted by section 1 of *The Fire Marshals Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 148, s. 1,  
cl. *a*  
(1961-62,  
c. 44, s. 1),  
re-enacted

(a) "emergency" means an emergency as defined in *The Emergency Measures Act, 1962-63*.

1962-63,  
c. 41

2. Subsection 1 of section 3*a* of *The Fire Marshals Act*, as enacted by section 2 of *The Fire Marshals Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 148, s. 3*a*  
(1961-62,  
c. 44, s. 2),  
subs. 1,  
repealed

3. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

4. This Act may be cited as *The Fire Marshals Amendment Act, 1962-63*.

Short title





## CHAPTER 48

**An Act to amend  
The Game and Fish Act, 1961-62**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

1961-62,  
c. 48, s. 6,  
amended
- (3) The Minister may enter into agreements with the owners of lands for the management of the lands for the purposes mentioned in subsection 1.

Management  
agreements
2. Section 11 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

1961-62,  
c. 48, s. 11,  
amended
- (2) Subsection 1 does not apply to contraventions of subsection 1 of section 17.

Where  
subs. 1 not  
to apply
3. Section 31 of *The Game and Fish Act, 1961-62* is amended by inserting after "no" in the first line "construction camp, lumber camp, mining camp", so that the section shall read as follows:

1961-62,  
c. 48, s. 31,  
amended
31. Except with the written authority of the Minister, no construction camp, lumber camp, mining camp, hotel, restaurant, boarding-house or other commercial premises shall mention on a bill of fare or serve any game, other than game that has been propagated or sold under a licence.

Hotels,  
restaurants,  
etc.
4. *The Game and Fish Act, 1961-62* is amended by adding thereto the following section:

1961-62,  
c. 48,  
amended
- 37a.—(1) In this section, "guide" means a person who for reward carries out the customary duties of a hunting or angling guide.

Interpre-  
tation

## Guides

- (2) Except under the authority of a licence, no person shall act as a guide in any part of Ontario designated by the regulations.

## Employment of guides

- (3) In any part of Ontario designated as an area in which no person shall act as a guide except under the authority of a licence, no person shall employ as a guide a person who is not the holder of a guide's licence.

## Limitation of guides

- (4) The holder of a guide's licence shall not act as a guide for any person for any purpose for which that person is required to have a licence under this Act or the Ontario Fishery Regulations unless that person is the holder of a licence for the purpose.

## Guides for non-resident hunters

- (5) No non-resident shall hunt deer or moose in any part of Ontario designated by the regulations without employing or being accompanied by a licensed guide, but, where two or more non-residents hunt together, the number of guides employed need not be more than one guide for each two non-residents.

1961-62,  
c. 48, s. 40,  
amended

**5.** Section 40 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

## Exception

- (2) Notwithstanding subsection 1, black bear may be trapped during such times and subject to such terms and conditions as are prescribed by the regulations.

1961-62,  
c. 48, s. 83,  
par. 15,  
amended

**6.**—(1) Paragraph 15 of section 83 of *The Game and Fish Act, 1961-62* is amended by inserting after "lands" in the first line "or lands in which the Crown has acquired an interest or in respect of which an agreement has been entered into under section 6", so that the paragraph shall read as follows:

15. designating Crown lands or lands in which the Crown has acquired an interest or in respect of which an agreement has been entered into under section 6 on which hunting may be regulated, limiting and regulating the number of hunters that may hunt at any time and the hours during which hunting may be carried on, and prescribing the fees that may be charged for the use of equipment and facilities supplied by the Department.

1961-62,  
c. 48, s. 83,  
amended

(2) Section 83 is amended by adding thereto the following paragraph:

- 22a. prescribing the times during which and the terms and conditions on which black bear may be trapped.

7. Section 84 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following paragraphs: 1961-62.  
c. 48, s. 84.  
amended

5. for the purposes of section 37a, designating parts of Ontario as areas in which no person shall act as a guide except under the authority of a licence;

6. designating parts of Ontario as areas in which no non-resident shall hunt deer or moose without employing or being accompanied by a licensed guide.

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

9. This Act may be cited as *The Game and Fish Amendment Act, 1962-63*. Short title





## CHAPTER 49

**The Gas and Oil Leases Act, 1962-63**

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,****Interpre-  
tation**

- (a) "gas or oil lease" includes any agreement, whether by way of option, lease, grant or otherwise, granting the right to operate lands for the production and removal of natural gas or oil, or both, except a grant to so operate where the amount or payment of the consideration therefor is not dependent upon the operation of such lands or upon the production of gas or oil or upon the amount of gas or oil produced, and "lessee" and "lessor" have corresponding meanings and include heirs, successors, administrators, executors, assigns and transferees of the lessee or lessor, as the case may be;
- (b) "judge" means the judge of the county or district court of the county or district in which the land is situate. R.S.O. 1960, c. 160, s. 1, *amended*.

**2.—(1) Where the lessor of any land alleges,****Application  
upon default**

- (a) that a lessee has made default under the terms of a gas or oil lease affecting the land in that he has failed to commence to drill a well for natural gas or oil and has failed to pay rentals in lieu thereof; or
- (b) that a lessee has made default under the terms of a gas or oil lease affecting the land, other than a default specified in clause *a*, and
  - (i) that the default has continued for a period of two years, or
  - (ii) that, the default having continued for a period of less than two years, the lessor has given notice in writing to the lessee specifying the

default

default alleged and requiring the lessee to cure the default within thirty days of the giving of the notice, and that the lessee has not cured the default within such thirty days,

the lessor may apply, upon affidavit, to a judge for an order declaring the lease void and, if the lease or any assignment or transfer thereof is registered, vacating every such registration. R.S.O. 1960, c. 160, s. 2 (1), *amended*.

Notice of  
default

(2) Notice of default under subclause ii of clause *b* of subsection 1 shall be given to the lessee either by delivering it to him, leaving it at his residence or sending it to him by registered mail at his address as indicated in the lease, or at his last known address, but, where an assignment or transfer of the lease has been registered in the registry or land titles office, the notice shall be given to the assignee or transferee, instead of the original lessee, in the manner prescribed in this subsection. *New*.

Appointment  
for inquiry  
into  
default

(3) The judge shall, in writing, appoint a time and place at which he will inquire and determine whether default has been made as alleged. R.S.O. 1960, c. 160, s. 2 (2).

Service  
of notice  
of inquiry

(4) A notice in writing of the time and place appointed, together with a copy of the affidavit used upon the application, shall be served upon the lessee either by delivering them to him, leaving them at his residence or sending them to him by registered mail at his address as indicated in the lease, or at his last known address, or in such other manner and at such other address as the judge directs, not less than thirty days before the return of the appointment. R.S.O. 1960, c. 160, s. 2 (3), *amended*.

Idem

(5) Where an assignment or transfer of the lease has been registered in the registry or land titles office, the appointment shall be served upon the assignee or transferee, instead of the original lessee, in the manner prescribed in subsection 4. R.S.O. 1960, c. 160, s. 2 (4), *amended*.

Style of  
proceedings

3. The proceedings shall be entitled in the county or district court of the county or district in which the land lies, and shall be styled:

"In the matter of . . . . ., Lessor,  
and . . . . ., Lessee."

R.S.O. 1960, c. 160, s. 3.

Where lessee  
fails to  
appear

4.—(1) If at the time and place appointed the lessee fails to appear and it appears to the judge,

(a)

(a) that default has been made as indicated in clause *a* of subsection 1 of section 2; or

(b) that default has been made as indicated in clause *b* of subsection 1 of section 2 and,

(i) has continued for a period of two years, or

(ii) has not been cured within thirty days after the giving of notice under subclause ii of the said clause *b*,

as the case may be, the judge may, notwithstanding any provision in the gas or oil lease requiring the lessor to give notice to the lessee of any default, make an order declaring that the gas or oil lease is void and, if the lease or any assignment or transfer thereof is registered, vacating every such registration. R.S.O. 1960, c. 160, s. 4 (1), *amended*.

(2) If the lessee appears, the judge shall, in a summary <sup>Where</sup> <sup>lessee</sup> <sup>appears</sup> manner, hear the parties and their witnesses and examine into the matter, and, if it appears to the judge,

(a) that default has been made as indicated in clause *a* of subsection 1 of section 2; or

(b) that default has been made as indicated in clause *b* of subsection 1 of section 2 and,

(i) has continued for a period of two years, or

(ii) has not been cured within thirty days after the giving of a notice under subclause ii of the said clause *b*,

as the case may be, the judge may, notwithstanding any provision in the gas or oil lease requiring the lessor to give notice to the lessee of any default, make an order declaring that the gas or oil lease is void and, if the lease or any assignment or transfer thereof is registered, vacating every such registration. R.S.O. 1960, c. 160, s. 4 (2), *amended*.

(3) Every order shall contain a description of the land <sup>Description</sup> <sup>of land</sup> affected sufficient to permit registration of the order, and, where the order vacates the registration of a lease or an assignment or transfer thereof, the order shall contain a reference to the registration number of such lease, assignment or transfer. R.S.O. 1960, c. 160, s. 4 (3), *amended*.

Irregularities  
in  
procedure

**5.** The judge has the same power to amend or excuse irregularities in the proceedings as he has in an action. R.S.O. 1960, c. 160, s. 5.

Subsequent  
drilling,  
etc., not  
to be  
taken into  
account

**6.** The judge, upon the hearing of the application, shall not take into account,

(a) any drilling done or sought to be done after the making of the application;

(b) any rentals or other remuneration tendered after the making of the application; or

(c) any other attempt, made after the making of the application, to cure a default,

unless such drilling, tender or other action is agreed to or accepted by the applicant. R.S.O. 1960, c. 160, s. 6, *amended*.

Appeal

**7.** An appeal lies to the Court of Appeal from the order of the judge granting or refusing an order under section 4. R.S.O. 1960, c. 160, s. 7.

Registration  
of order

**8.** Any order made under section 4, or a copy thereof certified by the clerk of the court under the seal of the court, may be registered in the proper registry or land titles office. R.S.O. 1960, c. 160, s. 8, *amended*.

Pending  
applications  
R.S.O. 1960,  
c. 160

**9.** Any application made under *The Gas and Oil Leases Act* before this Act comes into force shall be continued and disposed of as if this Act had not been passed.

R.S.O. 1960,  
c. 160,  
repealed

**10.** *The Gas and Oil Leases Act* is repealed.

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Gas and Oil Leases Act, 1962-63*.



## CHAPTER 50

## An Act to amend The Gasoline Handling Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Gasoline Handling Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 161, s. 1,  
cl. *a*,  
re-enacted

(*a*) "aviation fuel" includes any gas or liquid that is sold to be used or is used to create power to propel an aircraft, and any product that is designated to be aviation fuel by the regulations;

(*aa*) "gasoline" includes aviation fuel and any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include the product commonly known as kerosene or coal oil or such products as are excluded from this Act by the regulations, except when kerosene, coal oil or any product that is excluded from this Act by the regulations is aviation fuel or is mixed or combined with gasoline.

2. Subsection 1 of section 12 of *The Gasoline Handling Act* is amended by adding thereto the following clauses:

R.S.O. 1960,  
c. 161, s. 12,  
subs. 1,  
amended

(*da*) designating products to be aviation fuel;

(*db*) excluding products from this Act.

3. This Act shall be deemed to have come into force on the 1st day of April, 1963.

Commence-  
ment

4. This Act may be cited as *The Gasoline Handling Amendment Act, 1962-63*.

Short title



## CHAPTER 51

## An Act to amend The Gasoline Tax Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Gasoline Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 162, s. 1,  
cl. *b*,  
re-enacted

(*b*) "gasoline" includes any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include aviation fuel or the products commonly known as fuel oil, coal oil or kerosene, or such products as are excluded from this Act by the regulations, except when any such product is mixed or combined with gasoline.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 162, s. 1,  
cl. *d*,  
re-enacted

(*d*) "purchaser" means any person purchasing or receiving delivery in Ontario of gasoline or aviation fuel for his own use.

2. Section 2 of *The Gasoline Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 162, s. 2,  
amended

(2) Every purchaser of aviation fuel shall pay to the Minister for the use of the Crown in right of Ontario a charge or tax at the rate of 2 cents per imperial gallon on all aviation fuel purchased or the delivery of which is received by him. Tax on  
aviation  
fuel

3. Clause *e* of section 3 of *The Gasoline Tax Act* is amended by inserting after "gasoline" in the third line "or aviation fuel", so that the clause shall read as follows: R.S.O. 1960,  
c. 162, s. 3,  
cl. *e*,  
amended

- (e) prescribing the returns and statements to be made by importers, manufacturers, vendors and purchasers of gasoline or aviation fuel, the information to be given in such returns and statements, and by whom and in what manner they shall be made.

Commence-  
ment

**4.** This Act shall be deemed to have come into force on the 1st day of April, 1963.

Short title

**5.** This Act may be cited as *The Gasoline Tax Amendment Act, 1962-63*.



## CHAPTER 52

## An Act to amend The General Sessions Act

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 3 of *The General Sessions Act* <sup>R.S.O. 1960, c. 163, s. 3, subs. 6, amended</sup> is amended by striking out "November" in the third line and inserting in lieu thereof "the last Monday in October", so that the subsection shall read as follows:

(6) In the county of Middlesex the sittings of the court <sup>Middlesex</sup> in each year shall commence on the second Monday in May and the last Monday in October.

2. This Act may be cited as *The General Sessions Amendment Act, 1962-63*. <sup>Short title</sup>



## CHAPTER 53

# **An Act to amend The General Welfare Assistance Act**

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The General Welfare Assistance Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 164, s. 1,  
amended

(ba) "field worker" means a person employed as such by the Department of Public Welfare or any other employee of the Department whom the Minister designates as such.

(2) Subclause iii of clause *e* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 164, s. 1,  
cl. *e*,  
subcl. iii,  
re-enacted

(iii) who is a beneficiary or recipient under *The Mothers' Allowances Act*, or R.S.O. 1960,  
c. 247

. . . . .

2. Subsection 2 of section 4 of *The General Welfare Assistance Act* is repealed. R.S.O. 1960,  
c. 164, s. 4,  
subs. 2,  
repealed

3. Section 6 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 164, s. 6,  
re-enacted

6. The Director, every municipal welfare administrator or any of the assistants of the municipal welfare administrator authorized by the council of the municipality, every regional welfare administrator, every welfare allowances officer and every field worker is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. Power to  
take  
affidavits

4. Section 7 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 164, s. 7,  
re-enacted

Duty of  
municipalities to  
provide  
assistance

7. Subject to section 7a, a municipality shall provide assistance to the persons who reside in the municipality and who are eligible for such assistance.

Duty of  
Province to provide  
assistance

7a.—(1) The Province,

- (a) shall provide assistance to the persons who reside in territory without municipal organization and who are eligible for such assistance; and

- (b) may provide assistance to such other eligible persons as the regulations prescribe.

Duties of  
regional welfare  
administrator

- (2) For the purposes of subsection 1, a regional welfare administrator shall,

- (a) receive applications for assistance;

- (b) determine the eligibility of each applicant for assistance; and

- (c) where the applicant is eligible, determine the amount of assistance, having regard to the financial need of the applicant and in accordance with the regulations, and direct payment accordingly, and may from time to time vary any amount so determined.

Assistance  
in special  
circumstances

- (3) Where cases under clause *b* of subsection 1 present special circumstances and investigation shows the advisability of assistance being paid to an applicant who is not strictly eligible for such assistance, the Lieutenant Governor in Council may direct that assistance be paid to the applicant.

Allowance  
may be  
varied

- (4) A regional welfare administrator may determine the amount of any assistance directed to be paid under subsection 3 and may from time to time vary the amount so determined.

Regulations

- (5) For the purposes of clause *b* of subsection 1, the Lieutenant Governor in Council may make regulations,

- (a) prescribing the persons to whom the Province may provide assistance and determining the maximum amounts of assistance that may be paid;

(b)



- (b) establishing a medical advisory board consisting of one or more persons and prescribing its powers and duties;
- (c) establishing a board of review consisting of the Director of the Welfare Allowances Branch as chairman and two or more other persons and prescribing its powers and duties;
- (d) prescribing the powers and duties of field workers.

5. Clause *d* of section 9 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 164, s. 9,  
cl. d,  
re-enacted

- (d) supplementing the liabilities mentioned in section 7 or 7a, prescribing the circumstances under which there is a liability to pay assistance, a right to a contribution or a right to reimbursement and providing procedures therefor and for determining the maximum amounts or percentages thereof.

6. Section 11 of *The General Welfare Assistance Act* is amended by inserting after "of" in the first line "assistance or", R.S.O. 1960,  
c. 164, s. 11,  
amended so that the section shall read as follows:

- 11. The Provincial cost of assistance or any public works measure undertaken under any agreement under section 2 and the expenses of the administration of this Act are payable out of the moneys appropriated therefor by the Legislature. Provincial  
cost

7. *The General Welfare Assistance Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 164,  
amended

- 12.—(1) No person shall knowingly obtain or receive assistance that he is not entitled to obtain or receive under this Act and the regulations. Offence
- (2) No person shall knowingly aid or abet another person to obtain or receive assistance that such other person is not entitled to obtain or receive under this Act and the regulations. Idem
- (3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than three months, or to both fine and imprisonment. Idem

Transitional  
provision  
R.S.O. 1960,  
cc. 164, 247

**8.** Where a person to whom clause *b* of subsection 1 of section 7*a* of *The General Welfare Assistance Act* applies is a dependent father under *The Mothers' Allowances Act* when this Act comes into force, he shall, if eligible therefor, be paid assistance under this Act, and his eligibility therefor shall be determined in so far as is possible in accordance with the information contained in the application and other documents on file under *The Mothers' Allowances Act*.

Commence-  
ment

**9.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**10.** This Act may be cited as *The General Welfare Assistance Amendment Act, 1962-63*.

## CHAPTER 54

**An Act to amend  
The Grand River Conservation Act, 1938**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 28 of *The Grand River Conservation Act, 1938* is amended by adding thereto the following subsection: 1938, c. 15,  
s. 28,  
amended

(3) Notwithstanding subsections 1 and 2, section 34 of *The Assessment Act* applies *mutatis mutandis* in respect of lands owned by the Commission. Assessment  
of rented  
land  
R.S.O. 1960,  
c. 23

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1963. Commence-  
ment

**3.** This Act may be cited as *The Grand River Conservation Amendment Act, 1962-63*. Short title





## CHAPTER 55

# **An Act to amend The Highway Improvement Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 3 of *The Highway Improvement Act* is amended by striking out "and description" in the fifth and sixth lines, so that the subsection shall read as follows: R.S.O. 1960,  
c. 171, s. 3,  
subs. 1,  
amended

- (1) Where the Minister desires to acquire for the purposes of this Part jurisdiction and control over Crown Land Plans Crown lands not under the jurisdiction and control of the Department, he shall deposit with the Minister of Lands and Forests and register in the proper registry or land titles office a plan of the land to be known as and marked "Crown Land Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and thereupon the land is under the jurisdiction and control of the Department for the purposes of this Part.

**2.** Subsection 1 of section 6 of *The Highway Improvement Act* is amended by striking out "and description" in the third line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 171, s. 6,  
subs. 1,  
amended

- (1) Where the Minister desires to acquire an existing highway, he shall register in the proper registry or land titles office a plan of the highway to be known as and marked "Assumption Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and thereupon the highway vests in the Crown, and the Minister forthwith shall give notice in writing of such vesting to any municipality concerned. Procedure  
for  
acquiring  
a highway  
Assumption  
Plan

R.S.O. 1960,  
c. 171, s. 7,  
subs. 2,  
amended

**3.**—(1) Subsection 2 of section 7 of *The Highway Improvement Act* is amended by striking out “and description” in the third line, so that the subsection shall read as follows:

Procedure  
for expro-  
priation  
of land

Land Plan

- (2) Where the Minister desires to expropriate land under this section, he shall register in the proper registry or land titles office a plan of the land to be known as and marked “Land Plan” and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and thereupon the land vests in the Crown.

R.S.O. 1960,  
c. 171, s. 7,  
subs. 3,  
amended

(2) Subsection 3 of the said section 7 is amended by striking out “and description” in the third line, so that the subsection shall read as follows:

Where land  
temporarily  
required,  
etc.

- (3) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan so registered shall indicate, by appropriate words thereon, that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and by the registration in such case the land for such limited time or such limited estate, right or interest therein vests in the Crown.

R.S.O. 1960,  
c. 171, s. 22,  
subs. 1,  
re-enacted

**4.**—(1) Subsection 1 of section 22 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Connecting  
links,  
extensions

- (1) Where it is deemed by the Minister that a highway,
- (a) that is under the jurisdiction and control of a city, town or village; or
  - (b) that is in a city, town or village and under the control of the county; or
  - (c) that was under the jurisdiction of the Department but has reverted or been transferred to a township and is an essential and direct connection between parts of the King's Highway,

should be constructed as a connecting link between parts of the King's Highway or as an extension of the King's Highway, the Lieutenant Governor in Council may designate such highway as a connecting link or as an extension, as the case may be, to be

constructed

constructed by the city, town, village, township or county, and the council of the city, town, village, township or county may pass by-laws for issuing and may issue debentures under *The Municipal Act*,<sup>R.S.O. 1960, c. 249</sup> payable in such period as the Minister approves but not exceeding twenty years from the time or times when the debentures are issued, for an amount sufficient to pay the municipality's share of the cost of the construction of the highway, but, in the case of a city, town, village or township, it is not necessary for the council to obtain the assent of the electors to any such by-laws for the issue of debentures or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

(2) Subsection 2 of the said section 22 is amended by striking out "or village" in the first line and inserting in lieu thereof "village or township", so that the subsection shall read as follows:<sup>R.S.O. 1960, c. 171, s. 22, subs. 2, amended</sup>

(2) In the case of a city, town, village or township, work required to be constructed under subsection 1 may be undertaken as a local improvement under *The Local Improvement Act*, and in that case the council may by by-law fix the proportion of the cost of the work to be borne by the municipality at large as the council deems proper.<sup>Work as local improvement R.S.O. 1960, c. 223</sup>

(3) Subsection 3 of the said section 22 is amended by inserting after "village" in the second line "or township", so that the subsection shall read as follows:<sup>R.S.O. 1960, c. 171, s. 22, subs. 3, amended</sup>

(3) The Minister and the council of a town, not being a separated town, or of a village or township may enter into an agreement for the construction and maintenance therein by the municipality or by the Department of a highway designated under subsection 1.<sup>Construction and maintenance agreements, towns, villages, townships</sup>

(4) Subsection 6 of the said section 22, as amended by section 1 of *The Highway Improvement Amendment Act, 1960-61*, is repealed and the following substituted therefor:<sup>R.S.O. 1960, c. 171, s. 22, subs. 6, re-enacted</sup>

(6) An agreement under subsection 3, 4 or 5 may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village, township or county, as the case may be, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

- (a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village or township having a population of not more than 2,500, a sum equal to the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet;
- (b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village or township having a population of more than 2,500, a sum equal to 90 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway having a width of not more than 48 feet; and
- (c) where the highway is in a city or separated town, a sum equal to 75 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet.

R.S.O. 1960,  
c. 171, s. 22,  
subs. 7,  
repealed

- (5) Subsection 7 of the said section 22, as amended by section 2 of *The Highway Improvement Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 171, s. 22,  
subs. 8,  
re-enacted

- (6) Subsection 8 of the said section 22 is repealed and the following substituted therefor:

Idem,  
additional  
roadways  
and widths

- (8) An agreement under subsection 3, 4 or 5 may provide for the construction and maintenance or for the construction, as the case may be, of roadways or additional widths of roadways necessary to permit the proper interchange of traffic at intersections of the highway designated under subsection 1 with any other highway, and in that case the agreement may provide that a proportion of the cost of the construction and maintenance or construction, as the case may be, of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village, township or county, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

(a)



(a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village or township having a population of not more than 2,500, a sum equal to the cost of the construction and maintenance of the work;

(b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village or township having a population of more than 2,500, a sum equal to 90 per cent of the cost of the construction and maintenance of the work; and

(c) where the highway is in a city or separated town, a sum equal to 75 per cent of the cost of the construction of the work.

(7) Subsection 10 of the said section 22 is amended by inserting after "village" in the fourth line "township", so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 22, subs. 10, amended

(10) A highway does not, by reason of its having been constructed or maintained under this section, become the property of the Crown, but every such highway remains under the jurisdiction and control of the city, town, village, township or county, as the case may be. Jurisdiction and control unchanged

5. Section 39 of *The Highway Improvement Act* is repealed. R.S.O. 1960, c. 171, s. 39, repealed

6. Section 45 of *The Highway Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 171, s. 45, amended

(3a) Where a county acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the county road system, and subsection 6 does not apply thereto. Status of land acquired for widening county road

7. Subsection 2 of section 50 of *The Highway Improvement Act* is amended by inserting after "time" in the first line "within the calendar year in which the expenditure is to be made", so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 50, subs. 2, amended

(2) A county may at any time within the calendar year in which the expenditure is to be made submit to the Minister for his approval a by-law covering an estimated expenditure on roads supplementing the by-law submitted under subsection 1. Supplementary by-law

R.S.O. 1960,  
c. 171, s. 51,  
subs. 3,  
re-enacted

8.—(1) Subsection 3 of section 51 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Contribution  
to be  
deducted

- (3) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

R.S.O. 1960,  
c. 171, s. 51,  
amended

(2) The said section 51 is amended by adding thereto the following subsection:

Advance  
payments

- (4) Notwithstanding subsection 1 but subject to section 50, the Minister may, in his discretion, direct payment to the county treasurer under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

R.S.O. 1960,  
c. 171, s. 59,  
subs. 5,  
amended

9.—(1) Subsection 5 of section 59 of *The Highway Improvement Act* is amended by striking out "or storm" in the fifth line, so that the subsection shall read as follows:

Apportion-  
ment of  
cost of  
construction  
of wider  
pavements

- (5) In the case of the construction of a pavement more than twenty-two feet in width, the agreement shall provide the proportion in which the cost thereof is to be borne by the respective parties, but such cost shall not include the cost of curbs, gutters, catch basins, sanitary sewers or drains or any other special work, all of which cost shall be borne by the local municipality.

R.S.O. 1960,  
c. 171, s. 59,  
subs. 9,  
amended

(2) Subsection 9 of the said section 59 is amended by striking out "or storm" in the seventh line, so that the subsection shall read as follows:

Apportion-  
ment of  
cost of  
maintenance

- (9) In the case of the maintenance of a pavement more than twenty-two feet in width, the agreement shall provide the proportion of the cost thereof, including the removal of snow and the application of chemicals or abrasives and the removal thereof, that is to be

borne by the respective parties, but such cost shall not include the cost of maintaining curbs, gutters, catch basins, sanitary sewers or drains or any other special work, all of which cost shall be borne by the local municipality.

(3) Subsection 13 of the said section 59 is amended by striking out "or storm" in the thirteenth line, so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 59, subs. 13, amended

- (13) Where the Minister has approved an agreement under this section, the cost of the widening of the road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures on roads under the jurisdiction of the local municipality submitted to the Minister under this Act, but the cost of constructing or maintaining any sanitary sewer or drain shall not be included in such statement. Subsidy to local municipality

**10.—**(1) Subsection 12 of section 60 of *The Highway Improvement Act* is amended by striking out "or storm" in the fifth line, so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 60, subs. 12, amended

- (12) The total cost mentioned in subsections 10 and 11 includes the cost of the removal of snow and the application of chemicals and abrasives and the removal thereof, but does not include the cost of the maintenance of curbs, gutters, catch basins, sanitary sewers or drains or any other special work, all of which cost shall be borne by the urban municipality. Total cost, what to include

(2) Subsection 15 of the said section 60 is amended by striking out "or storm" in the eleventh line, so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 60, subs. 15, amended

- (15) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway, including the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne by the urban municipality under the agreement, may, for the purpose of determining the grant

payable



payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part X, but the cost of constructing or maintaining any sanitary sewer or drain shall not be included in such statement.

R.S.O. 1960,  
c. 171, s. 66,  
subs. 2,  
amended

**11.** Subsection 2 of section 66 of *The Highway Improvement Act* is amended by striking out "and description" in the first line and in the fourth line, so that the subsection shall read as follows:

Plan and  
registration

- (2) The plan of the land to be expropriated shall be signed by the warden and clerk of the county and by an Ontario land surveyor, and upon the registration of the plan in the proper registry or land titles office the land is vested in the county.

R.S.O. 1960,  
c. 171, s. 76,  
subs. 3,  
amended

**12.—**(1) Subsection 3 of section 76 of *The Highway Improvement Act* is amended by inserting after "time" in the first line "within the calendar year in which the expenditure is to be made", so that the subsection shall read as follows:

Supple-  
mentary  
by-law

- (3) A township may at any time within the calendar year in which the expenditure is to be made submit to the Minister for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 2.

R.S.O. 1960,  
c. 171, s. 76,  
amended

(2) The said section 76 is amended by adding thereto the following subsection:

Connecting  
link  
expenditures,  
when to be  
and not to  
be included  
in statement

- (3a) Where the construction or maintenance of a road in a township that is a connecting link or extension of the King's Highway is carried out under an agreement made with the Minister under section 22, the expenditure made by the township on such road shall not be included in the statement submitted to the Minister under this section unless the work on which the expenditure is made is additional to that provided for in the agreement and is properly chargeable to road improvement under this Part.

R.S.O. 1960,  
c. 171, s. 79,  
amended

**13.** Section 79 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Advance  
payments

- (5) Notwithstanding subsection 1 but subject to subsection 2 of section 76, the Minister may, in his

discretion,



discretion, direct payment to the township treasurer under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

- (a) of the amount so paid by the Minister under this section in respect of the preceding calendar year; or
- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

**14.** Subsection 2 of section 82 of *The Highway Improvement Act* is amended by inserting after "time" in the first line "within the calendar year in which the expenditure is to be made", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 171, s. 82,  
subs. 2,  
amended

- (2) A city, town or village may at any time within the calendar year in which the expenditure is to be made submit to the Minister for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 1.

Supple-  
mentary  
by-law

**15.** Section 83 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 171, s. 83,  
amended

- (5) Notwithstanding subsection 1 but subject to section 82, the Minister may, in his discretion, direct payment to the treasurer of the municipality under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

Advance  
payments

- (a) of the amount so paid by the Minister under this section in respect of the preceding calendar year; or
- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

**16.—(1)** Item 5 of section 84 of *The Highway Improvement Act* is amended by inserting after "than" in the second line "sanitary", so that the item shall read as follows:

R.S.O. 1960,  
c. 171, s. 84,  
item 5,  
amended

- 5. Constructing and maintaining bridges, culverts or other structures, other than sanitary sewers, incidental to the construction of a road.

R.S.O. 1960,  
c. 171, s. 84,  
item 7,  
amended

(2) Item 7 of the said section 84 is amended by striking out "other than sewers" in the third line, so that the item shall read as follows:

7. Constructing and maintaining an approved base for the road surface including the installing and maintaining of under-drainage therefor.

R.S.O. 1960,  
c. 171,  
amended

**17.** *The Highway Improvement Act* is amended by adding thereto the following Part:

## PART XII-A

### SUBWAY CONSTRUCTION

Interpre-  
tation

91a.—(1) In this section,

- (a) "Metropolitan Corporation" means The Municipality of Metropolitan Toronto;
- (b) "subway" means that part of the rapid transit system of the Toronto Transit Commission known as the Bloor-Danforth Subway;
- (c) "subway right-of-way construction" means,
  - (i) clearing the land for the subway of obstructions,
  - (ii) taking up, removing or changing the location of public utilities,
  - (iii) constructing tunnels, bridges, culverts or other structures incidental to the subway right-of-way construction, except sanitary sewers,
  - (iv) constructing a base for the subway, including the installing of under-drainage therefor, other than sanitary sewers, and
  - (v) such other work relating to the construction of the subway as the Minister may approve.

Submission  
of by-law  
covering  
expenditure

- (2) On or before the 31st day of March in any year, and, with the consent of the Minister, at any time during a year, the Metropolitan Corporation may submit

to the Minister for his approval a by-law setting out the estimated expenditure for the calendar year on subway right-of-way construction carried out on or after the 1st day of April, 1964.

- (3) No grant shall be made for an expenditure unless <sup>Approval required</sup> the expenditure has been set out in a by-law approved by the Minister under subsection 2.
- (4) Where the Minister has approved a by-law under subsection 2, the Metropolitan Corporation shall <sup>Annual statement to Minister</sup> annually, and, with the consent of the Minister, may at any time during the progress of the subway right-of-way construction, submit to the Minister,
- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
  - (b) a declaration of the treasurer of the Metropolitan Corporation that the statement is correct;
  - (c) a declaration of the officer of the Metropolitan Corporation or other officer responsible for the subway right-of-way construction that the statement contains only receipts and expenditures for such construction; and
  - (d) a petition, authorized by resolution of the council of the Metropolitan Corporation, for the payment of the grant.
- (5) Upon receipt of the statement, declarations and petition and the approval thereof by the proper officer <sup>Power to make grant</sup> of the Department, the Minister may direct payment to the treasurer of the Metropolitan Corporation out of the moneys appropriated therefor by the Legislature of an amount not exceeding  $33\frac{1}{3}$  per cent of the expenditure, and in all cases of doubt or dispute the decision of the Minister is final.

**18.**—(1) This Act, except section 5, comes into force on <sup>Commence-ment</sup> the day it receives Royal Assent.

(2) Section 5 comes into force on the 1st day of July, 1963. <sup>Idem</sup>

**19.** This Act may be cited as *The Highway Improvement* <sup>Short title</sup> *Amendment Act, 1962-63.*





## CHAPTER 56

## An Act to amend The Highway Traffic Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 172, s. 1,  
subs. 1,  
amended

3a. "conversion unit" means a mechanical device consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle.

(2) Paragraph 7 of subsection 1 of the said section 1 is repealed. R.S.O. 1960,  
c. 172, s. 1,  
subs. 1,  
par. 7,  
repealed

2. Subsections 1, 2, 3 and 4 of section 6 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 6,  
subss. 1-4,  
re-enacted

(1) The owner of every motor vehicle, trailer or conversion unit shall register it with the Department before driving or operating it or causing it to be driven or operated upon a highway and shall pay to the Department a fee for the registration of such motor vehicle, trailer or conversion unit and for the number plates therefor, and, on failure to do so, is liable, for the first offence to a fine of not less than \$10 and not more than \$50; for the second offence to a fine of not less than \$20 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than \$50 and not more than \$200, and is also liable to imprisonment for a term of not more than thirty days. Registration  
of motor  
vehicles

(2) The Department shall issue for each motor vehicle, trailer or conversion unit so registered a numbered permit stating that the motor vehicle, trailer or conversion unit is registered in accordance with this Act, Permits for  
vehicles

and

and shall cause the name of the owner, his address and the number of his permit to be entered in a book to be kept for that purpose.

Minister  
may refuse  
to accept  
registration  
or may  
cancel  
permit

- (3) The Minister may, in his discretion, refuse to accept the registration of, or cancel any permit issued for, any motor vehicle, trailer or conversion unit that is to be used or is used,

R.S.O. 1960,  
c. 337

- (a) as a public vehicle within the meaning of *The Public Vehicles Act*; or

R.S.O. 1960,  
c. 319

- (b) as a public commercial vehicle within the meaning of *The Public Commercial Vehicles Act*,

unless the owner of such motor vehicle, trailer or conversion unit is in possession of an operating licence as required by such Acts.

Local  
issuance  
of motor  
vehicle  
permits

- (4) The Minister may give authority to any person to issue permits for motor vehicles, trailers or conversion units and may define the duties and powers of such person, and, where the salary is not otherwise provided, may authorize and fix the fee to be retained by the person so authorized for each permit issued.

R.S.O. 1960,  
c. 172, s. 7,  
subs. 3,  
re-enacted

**3.** Subsection 3 of section 7 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Where serial  
number  
obliterated

- (3) No permit shall be issued for a motor vehicle or a trailer that has a gross weight exceeding 6,000 pounds where the manufacturer's serial number or similar identifying mark has been obliterated or defaced until the owner has filed with the Department satisfactory proof of the ownership of the vehicle or trailer, and, if known, the reason for the obliteration or defacement, and, if satisfied as to the statements made, the Minister may grant permission to cut, impress, emboss or attach permanently to the vehicle or trailer a special identification number or mark, which thereafter shall be deemed sufficient for the purpose of registration of the vehicle or trailer.

R.S.O. 1960,  
c. 172, s. 8,  
subs. 1,  
amended

**4.—**(1) Subsection 1 of section 8 of *The Highway Traffic Act* is amended by adding at the end thereof "or any part thereof", so that the subsection shall read as follows:

Number  
plate

- (1) Every motor vehicle other than a motorcycle, while being driven on a highway, shall have attached to and exposed on the front and back thereof, in a conspicuous position, a number plate furnished by

the Department showing in plain figures the number of the permit issued for the current year or any part thereof.

(2) Subsection 6 of the said section 8 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 8, subs. 6, re-enacted

(6) Every trailer and conversion unit while being drawn on a highway shall have exposed on the back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year or any part thereof. Rear number plate on trailer, etc.

5. Subsection 1 of section 10 of *The Highway Traffic Act* is amended by striking out "or trailer" in the third line and inserting in lieu thereof "trailer or conversion unit", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 10, subs. 1, amended

(1) No number other than that upon the number plate furnished by the Department shall be exposed on any part of a motor vehicle, trailer or conversion unit in such a position or manner as to confuse the identity of the number plate. No other numbers to be exposed

6. Section 11 of *The Highway Traffic Act* is amended by striking out "or trailer" in the second line and inserting in lieu thereof "trailer or conversion unit", so that the section shall read as follows: R.S.O. 1960, c. 172, s. 11, amended

11. A peace officer who has reason to believe that a motor vehicle, trailer or conversion unit is carrying number plates that were not issued for it, or which although issued for it were obtained by false pretenses, may take possession of such number plates and retain them until the facts as to the carrying of such number plates have been determined. Improper number plates

7.—(1) Subsection 2 of section 32 of *The Highway Traffic Act* is amended by inserting after "bicycle" in the second line "or a trailer that has a gross weight exceeding 6,000 pounds", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 32, subs. 2, amended

(2) No person shall buy, sell, wreck or otherwise deal with any motor vehicle or bicycle or a trailer that has a gross weight exceeding 6,000 pounds where the manufacturer's serial number or similar identifying mark has been obliterated or defaced or is not readily recognizable. Prohibition as to buying where number obliterated



R.S.O. 1960,  
c. 172, s. 32,  
subs. 3,  
amended

(2) Subsection 3 of the said section 32 is amended by adding at the end thereof "or from a trailer that has a gross weight exceeding 6,000 pounds", so that the subsection shall read as follows:

Defacing  
serial  
number

- (3) No person shall deface or remove the manufacturer's serial number or identifying mark from a motor vehicle or from the engine thereof or from a bicycle or from a trailer that has a gross weight exceeding 6,000 pounds.

R.S.O. 1960,  
c. 172, s. 33,  
subs. 6,  
amended

8. Subsection 6 of section 33 of *The Highway Traffic Act* is amended by striking out "or" in the eighth line and inserting in lieu thereof "of" and by adding at the end thereof "or, where a commercial motor vehicle is equipped with a rear vision mirror that extends in whole or in part beyond the left side of the vehicle, the clearance lamp required at the front of the vehicle shall be affixed to the extreme left side of the mirror", so that the subsection shall read as follows:

Clearance  
lamps  
required  
on wide  
vehicles

- (6) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every commercial motor vehicle and every trailer having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green or amber light, and the other of which shall be located at the rear of the vehicle and shall display a red light, and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle, and any lamp or reflector so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle, or, where a commercial motor vehicle is equipped with a rear vision mirror that extends in whole or in part beyond the left side of the vehicle, the clearance lamp required at the front of the vehicle shall be affixed to the extreme left side of the mirror.

R.S.O. 1960,  
c. 172, s. 50,  
amended

9. Section 50 of *The Highway Traffic Act* is amended by adding thereto the following clause:

- (d) designating an organization to test and mark its approval of any accessory designated by the regulations, and prohibiting the installation, sale or purchase of any designated accessory that is not marked as approved by the testing organization.



**10.** Subsection 2*b* of section 52 of *The Highway Traffic Act*, as enacted by subsection 6 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2*b*  
(1960-61,  
c. 34, s. 6,  
subs. 6),  
re-enacted

- (2*b*) After the 31st day of December, 1965, no combination of vehicles having a gross weight of more than 84,000 pounds shall be moved upon a highway.

Prohibition  
re combina-  
tion of  
vehicles

**11.** Subsection 2 of section 53 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172, s. 53,  
subs. 2,  
re-enacted

- (2) Such permit may be general or may limit the time and the particular highway that may be used and may contain conditions relating to the protection of persons and property from injury, and the municipal corporation or other authority may require a bond sufficient to cover the cost of repairing any possible damage to the highway.

Permits,  
general or  
limited

**12.** Subsection 2, as amended by subsection 2 of section 11 of *The Highway Traffic Amendment Act, 1961-62*, and subsection 2*a*, as enacted by subsection 3 of section 11 of *The Highway Traffic Amendment Act, 1961-62*, of section 58 of *The Highway Traffic Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172, s. 58,  
subs. 2, 2*a*  
(1961-62,  
c. 52, s. 11,  
subs. 3),  
re-enacted

- (2) Where a commercial motor vehicle is equipped with one or more rear vision mirrors that extend in whole or in part beyond either side of the vehicle or one or more lamps, required by the Act, that extend in whole or in part beyond either side of the vehicle, the amount of such extension shall not be included in determining the maximum width of the vehicle under subsection 1.
- (2*a*) No vehicle, other than a public vehicle or a semi-trailer as defined in clause *b* of subsection 6 of section 55, including load or contents, shall exceed the length of 35 feet, and no combination of vehicles, including load or contents, coupled together shall exceed the total length of 60 feet.
- (2*b*) Subject to subsection 2*c*, no semi-trailer as defined in clause *b* of subsection 6 of section 55, other than a semi-trailer designed for the carriage of vehicles, shall exceed the length of 45 feet.
- (2*c*) Except in the case of a combination of vehicles under subsection 2*a*, any extension in the length of a semi-trailer caused by auxiliary equipment or machinery that is not designed for the transportation of goods shall not be included in determining the length of a semi-trailer under subsection 2*b*.

Rear vision  
mirrors  
and lamps  
not included  
in width

Length of  
vehicle or  
combination

Semi-  
trailer

Determina-  
tion of  
length of  
semi-trailer

Restricting  
length of  
combinations  
of vehicles  
in cities

- (2d) The council of a city may by by-law prohibit the operation of a combination of vehicles having a total length, including load or contents, in excess of fifty feet on any highway or a portion thereof under its jurisdiction designated in the by-law.

R.S.O. 1960,  
c. 172, s. 59,  
subs. 1, cl. f,  
amended

**13.**—(1) Clause *f* of subsection 1 of section 59 of *The Highway Traffic Act*, as amended by subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out “and 10” in the third line and inserting in lieu thereof “10 and 10a”, so that the clause shall read as follows:

- (f) the speed limit prescribed upon a highway in accordance with the provisions of subsections 2, 3, 4, 5, 6, 6a, 9, 10 and 10a; or

R.S.O. 1960,  
c. 172, s. 59,  
subs. 7,  
amended

(2) Subsection 7 of the said section 59, as amended by subsection 3 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out “or 6a” in the amendment of 1961-62 and inserting in lieu thereof “6a or 10a”, so that the subsection shall read as follows:

approval  
of by-laws

- (7) No by-law passed under subsection 2, 3, 5, 6, 6a or 10a becomes effective until approved by the Department, and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations.

R.S.O. 1960,  
c. 172, s. 59,  
subs. 8,  
amended

(3) Subsection 8 of the said section 59 is amended by adding at the end thereof “or to a motor vehicle operated by a person in the lawful performance of his duties as a police officer”, so that the subsection shall read as follows:

fire  
department  
vehicles  
and police  
vehicles

- (8) The speed limits prescribed under this Act or the regulations or any by-law passed under this Act do not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call or to a motor vehicle operated by a person in the lawful performance of his duties as a police officer.

R.S.O. 1960,  
c. 172, s. 59,  
amended

(4) The said section 59 is amended by adding thereto the following subsection:

in school  
zones

- (10a) The council of a city, town or village or the trustees of a police village may by by-law,

(a)

- (a) designate a portion of a highway under its jurisdiction that adjoins the entrance to or the exit from a school and that is within a distance of 500 feet along the highway in either direction beyond the limits of the land used for the purposes of the school; and
- (b) prescribe a rate of speed of 25 miles per hour for motor vehicles driven upon the portion of a highway so designated on days on which school is regularly held and prescribe the time between the hours of 8.00 a.m. and 5.00 p.m. at which such speed limit is effective.

(5) Subsection 11 of the said section 59, as amended by <sup>R.S.O. 1960, c. 172, s. 59, subs. 11, amended</sup> subsection 4 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "or 6a" in the amendment of 1961-62 and inserting in lieu thereof "6a or 10a", so that the subsection shall read as follows:

- (11) Where a by-law is passed under subsection 2, 3, 4, <sup>application of subs. 1</sup> 5, 6, 6a or 10a or a regulation is made under subsection 9 or 10, or a by-law is passed under section 89 of *The Municipality of Metropolitan Toronto Act*, the <sup>R.S.O. 1960, c. 260</sup> rates of speed prescribed in subsection 1 do not apply to the highway or portion of the highway affected by the by-law or regulation.

**14.** *The Highway Traffic Act* is amended by adding thereto <sup>R.S.O. 1960, c. 172, amended</sup> the following section:

- 70a. Any vehicle proceeding upon a roadway at less than <sup>Driving on right side of multi-lane highway</sup> the normal speed of traffic at the time and place and under the conditions then existing shall when practicable be driven in the right hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

**15.** *The Highway Traffic Act* is amended by adding thereto <sup>R.S.O. 1960, c. 172, amended</sup> the following section:

- 100a. The Lieutenant Governor in Council may make <sup>Regulation of vehicles on controlled-access highways</sup> regulations prohibiting or regulating the use of a highway designated by the Lieutenant Governor in Council as a controlled-access highway under *The Highway Improvement Act* by any class or classes of vehicles or animals. <sup>R.S.O. 1960, c. 171</sup>

R.S.O. 1960,  
c. 172, s. 118,  
subs. 5, cl. c,  
amended

**16.** Clause *c* of subsection 5 of section 118 of *The Highway Traffic Act* is amended by striking out "limits of liability stated in the policy" in the seventh line and inserting in lieu thereof "minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies", so that the clause shall read as follows:

- (c) an undertaking not to set up as a defence, to any claim, action or proceeding under a motor vehicle liability policy issued by it, a defence that might not be set up if the policy had been issued in Ontario in accordance with the law of Ontario relating to motor vehicle liability policies, and to satisfy up to the minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies any judgment rendered and become final against it or its insured by a court in Ontario in any such action or proceeding.

R.S.O. 1960,  
c. 190

Commence-  
ment

**17.**—(1) This Act, except section 8, subsections 1, 2, 4 and 5 of section 13 and sections 15 and 16, comes into force on the day it receives Royal Assent.

Idem

(2) Section 8, subsections 1, 2, 4 and 5 of section 13 and sections 15 and 16 come into force on the 1st day of July, 1963.

Short title

**18.** This Act may be cited as *The Highway Traffic Amendment Act, 1962-63*.



## CHAPTER 57

# An Act respecting Homes for Retarded Children

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

- (a) "home for retarded children" means a building maintained and operated by an approved local association for the residential accommodation of retarded children, but does not include,

- (i) a children's institution under *The Children's Institutions Act, 1962-63*,  
c. 14
- (ii) a charitable institution under *The Charitable Institutions Act, 1962-63*,  
c. 11
- (iii) a children's boarding home that is registered under *The Children's Boarding Homes Act*,  
R.S.O. 1960, c. 54
- (iv) a hospital under *The Children's Mental Hospitals Act*,  
R.S.O. 1960, c. 56
- (v) a boarding home, a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act*,  
R.S.O. 1960, c. 53
- (vi) a day nursery established and operated under *The Day Nurseries Act*,  
R.S.O. 1960, c. 87
- (vii) a house that is registered under *The Maternity Boarding Houses Act*,  
R.S.O. 1960, c. 231
- (viii) an institution under *The Mental Hospitals Act*,  
R.S.O. 1960, c. 236
- (ix) a private hospital under *The Private Hospitals Act*,  
R.S.O. 1960, c. 305

(x)

R.S.O. 1960,  
c. 307

(x) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1960,  
c. 315

(xi) a psychiatric hospital under *The Psychiatric Hospitals Act*,

R.S.O. 1960,  
c. 322

(xii) a hospital under *The Public Hospitals Act*,

R.S.O. 1960,  
c. 359

(xiii) a sanatorium under *The Sanatoria for Consumptives Act*;

R.S.O. 1960,  
c. 94

(b) "local association" means a parents' group that is affiliated with the Ontario Association for Retarded Children and is in receipt of assistance for the cost of education of retarded children under *The Department of Education Act*;

(c) "Minister" means the Minister of Public Welfare;

(d) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor, and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;

(e) "regulations" means the regulations made under this Act;

(f) "residential accommodation" means accommodation for the board and lodging of retarded children;

(g) "retarded child" means a child who,

(i) is under eighteen years of age,

(ii) is deemed incapable of development beyond that of a child of normal mentality at eight years of age, as verified by objective psychological and medical findings, and

(iii) is admissible to a school in which a class or classes are conducted by a local association, receiving or eligible to receive assistance under *The Department of Education Act*.

R.S.O. 1960,  
c. 94

Approval  
of local  
associations

R.S.O. 1960,  
c. 71

**2.** The Lieutenant Governor in Council may approve for the purposes of this Act any local association that is a corporation without share capital, having objects of a charitable nature and incorporated under Part III of *The Corporations Act*.

3. The Lieutenant Governor in Council may approve Approval of homes for retarded children homes for retarded children for the purposes of this Act.

4.—(1) No approved local association shall, Restrictions upon local associations

(a) maintain or operate any building or part thereof as a home for retarded children until the building is approved under section 3;

(b) change its name or the name of any home for retarded children maintained and operated by it without the written approval of the Minister;

(c) erect a new building to be used as a home for retarded children until the site and plans thereof are approved by the Minister in writing, or erect an addition to an existing building used or to be used as a home for retarded children until the plans thereof are approved by the Minister in writing;

(d) purchase or otherwise acquire any building to be used by it as a home for retarded children without the written approval of the Minister; or

(e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any home for retarded children in respect of which the local association has received payment of a grant under section 5 or 6 without the written approval of the Minister.

(2) No by-law of an approved local association with respect Approval of by-laws to a home for retarded children has force or effect until it is approved by the Minister in writing.

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a home for retarded children have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved local association erecting the new building or the addition of an amount based upon the total bed capacity of the new building or the addition at the rate of \$2,500 per bed or of an amount equal to 50 per cent of the cost thereof to the local association, whichever is the lesser. Grants for construction of buildings or additions

6. When the acquisition of a building to be used as a home for retarded children has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated Grants for acquisition of buildings

therefor

therefor by the Legislature, direct payment to the approved local association acquiring the building of an amount based upon the total bed capacity of the building at the rate of \$750 per bed or of an amount equal to 50 per cent of the cost thereof to the local association, whichever is the lesser.

Grants for  
residential  
accommoda-  
tion only

7. In computing the cost to a local association of erecting a new building or an addition to an existing building under section 5 or of acquiring a building under section 6, the computation shall include only expenditures directly referable to the establishment or provision of residential accommodation for retarded children and shall be computed in accordance with the regulations.

Subsidy for  
operating  
and mainten-  
ance costs

8. Subject to section 9, where a retarded child is admitted to or is residing in an approved home for retarded children and,

- (a) the financial circumstances of the person or persons in whose charge the child is, as determined by the regulations, do not permit the person or persons to pay in full for the cost of the residential accommodation of the child in the home;
- (b) the child is not in the care and custody of a children's aid society under *The Child Welfare Act*; and
- (c) the cost or any part thereof is paid by the approved local association that maintains and operates the home,

R.S.O. 1960,  
c. 53

there shall be paid to the local association, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 50 per cent of the net cost, computed in accordance with the regulations, that is paid by the local association for the residential accommodation of the child in the home, or 50 per cent of the maximum amount to which the Province may contribute, as prescribed by the regulations, whichever is the lesser.

Residence

9.—(1) An amount shall not be paid under section 8 in respect of a child unless the child has resided in Ontario for a period of at least twelve consecutive months immediately before the date of his admission to the home for retarded children, but,

- (a) where the child has not so resided because of the operation of subsection 2, the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months immediately before the date of the admission of the child to the home; or

(b)



- (b) where the child or the person in whose charge he is has not resided in Ontario as required by clause *a* because of the operation of subsection 2, the child or the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months before the admission of the child or the person to a place mentioned in subsection 2.

(2) In computing periods of residence under subsection 1, <sup>Idem</sup> any period of time during which the child or the person in whose charge he is was a patient or resident in a hospital, sanatorium, nursing home, children's institution, home for retarded children, home for the aged or other private, charitable or public institution for custodial, medical, educational or other care or supervision shall not be included.

**10.**—(1) A provincial supervisor shall inspect every <sup>Inspection of homes</sup> approved home for retarded children and examine the books of account and any other records of the home at least once each year, but he may inspect any such home or examine the books of account and the other records at any time.

(2) A provincial supervisor may inspect the books of <sup>Inspection of records of local association</sup> account and other records of an approved local association that pertain to homes for retarded children.

**11.** Any approval given under this Act may be suspended <sup>Revocation and suspension of approvals</sup> by the Minister or revoked by the Lieutenant Governor in Council at any time.

**12.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup> lations,

- (a) specifying the local associations and the homes for retarded children that are approved for the purposes of this Act;
- (b) prescribing rules governing homes for retarded children and the conduct of the children residing therein and the staffs thereof;
- (c) governing the admissions of retarded children to homes for retarded children and the kinds of services that are to be provided therein;
- (d) governing the qualifications and the powers and duties of the members of the staffs of homes for retarded children;

(e)

- (e) requiring and prescribing medical and other related or ancillary services that are to be provided for the children residing in homes for retarded children;
- (f) prescribing additional qualifications for the establishment of residence for the purpose of section 9;
- (g) governing applications by approved local associations for payments under this Act and prescribing the method, time and manner of payment;
- (h) prescribing the manner of computing the cost to local associations for the purposes of section 7;
- (i) prescribing financial circumstances for the purposes of clause *a* of section 8;
- (j) prescribing the manner of computing the net cost of the residential accommodation of a retarded child in a home for retarded children and the maximum amount of the net cost to which the Province may contribute for the purposes of section 8;
- (k) prescribing the records to be kept by approved local associations and homes for retarded children, the claims and returns to be made to the Minister by approved local associations and the method, time and manner in which such claims and returns shall be made and providing penalties for late claims or returns;
- (l) providing for the recovery by an approved local association or the Province from the person or persons in whose charge a retarded child is or from the estate of such person or persons of any amount paid by the association or by the Province to the association for the cost of the residential accommodation of the child in a home for retarded children and prescribing the circumstances and the manner in which any such recovery may be made;
- (m) prescribing additional powers and duties of provincial supervisors;
- (n) prescribing forms and providing for their use;
- (o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**13.** The moneys required for the purposes of sections 5, <sup>Moneys</sup> 6 and 8 shall, until the 31st day of March, 1964, be paid out of the Consolidated Revenue Fund.

**14.** This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant Governor by his proclamation.

**15.** This Act may be cited as *The Homes for Retarded* <sup>Short title</sup> *Children Act, 1962-63.*





## CHAPTER 58

**An Act to amend  
The Hospital Services Commission Act**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 19 of *The Hospital Services Commission Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 176, s. 19,  
amended

(3) Where the employer is a corporation, the directors thereof are jointly and severally liable for the payment of the amount by which the penalty imposed under subsection 1 is increased under subsection 2. Liability of  
directors

**2.** *The Hospital Services Commission Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 176,  
amended

19a. Where an employer that is a corporation has failed to remit on behalf of its employees the premiums required by the regulations, the directors thereof are jointly and severally liable for the payment to the Commission of the amount of such premiums when the corporation, Liability of  
directors

(a) goes into liquidation;

(b) is ordered to be wound up;

(c) makes an authorized assignment under the *Bankruptcy Act* (Canada); or R.S.C. 1952,  
c. 14

(d) has a receiving order under the *Bankruptcy Act* (Canada) made against it.

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Hospital Services Commission Amendment Act, 1962-63*. Short title



## CHAPTER 59

**An Act to provide for the Disposition of Bodies  
and Parts thereof of Deceased Persons for  
Therapeutic and Other Purposes**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "donor" means a person who,

(i) in writing at any time, or

(ii) orally in the presence of at least two witnesses  
during his last illness,

has requested that his body or a specified part or  
parts thereof be used after his death for therapeutic  
purposes or for the purposes of medical education or  
research;

(b) "person lawfully in possession of the body" does  
not include,

(i) a coroner in possession of a body for the  
purpose of investigation, or

(ii) an embalmer or funeral director in possession  
of a body for the purpose of its burial, cre-  
mation or other disposition.

**2.—**(1) Where a donor dies in a hospital, the administrative  
head of the hospital or the person acting in that capacity may  
authorize,

Death in  
hospital

(a) the use of the body; or

(b) the removal of the part or parts of the body specified  
by the donor and the use thereof,

for

for therapeutic purposes or for the purposes of medical education or research in accordance with the request of the donor.

Idem, where  
body not  
required

(2) Where a donor has requested that his body be used after his death for any of the purposes mentioned in this Act and he dies in a hospital, the administrative head of the hospital or the person acting in that capacity, in the event that he does not require the use of the body, shall immediately notify the local inspector of anatomy who shall thereupon take control of the body and cause it to be delivered to a person qualified to receive unclaimed bodies under section 5 of *The Anatomy Act* for the purposes of that Act.

R.S.O. 1960,  
c. 14

Death  
outside  
hospital

3. Where a donor dies in a place other than a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of his body may authorize,

(a) the use of the body; or

(b) the removal of the part or parts of the body specified by the donor and the use thereof,

for therapeutic purposes or for the purposes of medical education or research in accordance with the request of the donor.

Without  
deceased's  
consent

4. Where a person has not made a request to be a donor and dies either in or outside a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize the removal of any specified part or parts from the body of the deceased person by a duly qualified medical practitioner and their use for therapeutic purposes or for the purposes of medical education or research.

Authority  
sufficient

5. An authority given,

(a) under section 2 or 3 is sufficient warrant for use of the body; and

(b) under section 2, 3 or 4 is sufficient warrant for the removal of the specified part or parts of the body and the use thereof,

for therapeutic purposes or for the purposes of medical education or research, as the case may be.



**6.**—(1) An authority shall not be given under section 2 or 3 <sup>Exceptions</sup> if the person empowered to give the authority has reason to believe that the person who made the request subsequently withdrew it.

(2) An authority shall not be given under section 4 if the <sup>Idem</sup> person empowered to give the authority has reason to believe that the deceased person would, if living, have objected thereto.

(3) An authority shall not be given under section 2, 3 or 4 <sup>Idem</sup> if the person empowered to give the authority has reason to believe that an inquest may be required to be held on the body of the deceased.

**7.** Nothing in this Act makes unlawful any dealing with the <sup>Lawful</sup> body of a deceased person that would be lawful if this Act <sup>dealings</sup> <sup>not</sup> <sup>affected</sup> had not been passed.

**8.** *The Cornea Transplant Act* is repealed.

R.S.O. 1960,  
c. 68,  
repealed

**9.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**10.** This Act may be cited as *The Human Tissue Act*, <sup>Short title</sup> 1962-63.



## CHAPTER 60

**An Act to provide for Compensation for  
Damage to Property by Hunters**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "live stock" means cattle, horses, sheep, swine or poultry;
- (b) "Minister" means the Minister of Agriculture;
- (c) "regulations" means the regulations made under this Act.

**2. The Lieutenant Governor in Council may appoint** Appoint-  
ment of  
valuers  
persons to act as valuers for the purposes of this Act.

**3.—(1)** Where death of or injury to live stock, or damage Application  
for com-  
pensation  
to such classes of property as are designated in the regulations, is occasioned by a hunter, the person who would have a cause of action against the hunter in respect of such death, injury or damage may make an application for compensation to the Minister in the manner prescribed in the regulations.

(2) The Minister may, in respect of an application made Payment  
of com-  
pensation  
under subsection 1, pay to the applicant such amount as the Minister deems reasonable, but not exceeding the market value of the live stock or other property in respect of which payment is made.

(3) Where an amount has been paid under subsection 2, Minister  
subrogated  
to rights of  
applicant  
the Minister is subrogated to the rights of the person to whom such amount has been paid and the Minister may maintain an action in his name or in the name of such person against any other person or persons responsible for the death, injury or damage in respect of which such amount has been paid.

Paid out of  
Consolidated  
Revenue  
Fund until  
March 31,  
1964

**4.** The moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund until the 31st day of March, 1964, and thereafter out of such moneys as are appropriated therefor by the Legislature.

Regulations

**5.** The Lieutenant Governor in Council may make regulations,

- (a) designating classes of persons to whom this Act shall not apply;
- (b) designating classes of property to which section 3 applies;
- (c) prescribing the manner of making an application for compensation;
- (d) prescribing the conditions under which an application for compensation may be made;
- (e) prescribing the conditions under which compensation may be paid;
- (f) prescribing forms and providing for their use;
- (g) prescribing the duties of valuers;
- (h) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Hunter Damage Compensation Act, 1962-63*.



## CHAPTER 61

# An Act to amend The Income Tax Act, 1961-62

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subparagraph ii of paragraph 25 of subsection 1 of section 1 of *The Income Tax Act, 1961-62*, as re-enacted by subsection 3 of section 1 of *The Income Tax Amendment Act, 1961-62*, is amended by striking out "clause a" in the second line and inserting in lieu thereof "subparagraph i".

1961-62,  
c. 60, s. 1,  
subs. 1,  
par. 25  
(1961-62,  
c. 61, s. 1,  
subs. 3),  
subpar. ii,  
amended

2.—(1) Clause e of subsection 4 of section 3 of *The Income Tax Act, 1961-62*, as enacted by subsection 2 of section 3 of *The Income Tax Amendment Act, 1961-62*, is amended by striking out "section 5" in the third line and inserting in lieu thereof "section 4".

1961-62,  
c. 60, s. 3,  
subs. 4, cl. e  
(1961-62,  
c. 61, s. 3,  
subs. 2),  
amended

(2) The said section 3, as amended by section 3 of *The Income Tax Amendment Act, 1961-62*, is further amended by adding thereto the following subsections:

1961-62,  
c. 60, s. 3,  
amended

(5) An individual who, under the Federal Act, pays tax computed in accordance with subsection 2 of section 32 thereof may, in lieu of the tax under subsection 1, pay a tax computed in accordance with a prescribed table which shall be prepared in accordance with the following rules:

Special  
table

1. The table shall be divided into ranges of amounts not exceeding \$10 each and specifying the tax payable on every amount taxable within each range.
2. The tax payable on amounts taxable within one of the ranges referred to in paragraph 1 shall be the amount in dollars and even tenths parts thereof that is nearest to the

aggregate

aggregate of the taxes otherwise payable under subsection 1 on the average of the highest and lowest amounts in the range.

Foreign  
tax credit

- (6) Where an individual resided in Ontario on the last day of a taxation year and had income for the year that included income earned in a country other than Canada in respect of which any income or profits tax was paid to the government of such other country, he may deduct from the tax payable by him under this Act for that taxation year an amount equal to the lesser of,

(a) the amount, if any, by which the tax paid to the government of such other country in respect of his income for the year exceeds the amount allowed under the Federal Act as a deduction for that taxation year by virtue of section 41 of that Act; or

(b) that proportion of the deduction allowed to the taxpayer for that taxation year by virtue of section 33 of the Federal Act that,

(i) the taxpayer's income earned in such other country for that year

is of

(ii) his income for the year.

1961-62,  
c. 60, s. 19,  
subs. 2,  
re-enacted

**3.** Subsection 2 of section 19 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

Basis for  
appeal

- (2) An appeal from an assessment under this Act may be taken in respect of any question relating to the determination of,

(a) his residence for the purposes of this Act;

(b) his income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3; or

(c) the amount of tax payable for a taxation year based on the tax payable under the Federal Act for that year as defined in clause *a* of subsection 4 of section 3,

but no appeal from an assessment lies in respect of the computation of the tax payable under the Federal Act as defined in clause *a* of subsection 4 of section 3.

4. *The Income Tax Act, 1961-62* is amended by adding thereto the following section: 1961-62,  
c. 60,  
amended

28a. The Treasurer may issue a warrant, directed to the sheriff of any county or district in which any property of the taxpayer is located or situate, for the amount of the tax, interest and penalty or any of them owing by the taxpayer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and bonding of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court. Warrant for  
collection  
of in-  
debtedness

5. Subsection 2 of section 42 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor: 1961-62,  
c. 60, s. 42,  
subs. 2,  
re-enacted

(2) Subsection 1 does not apply to the communication of information between, Where  
subs. 1 not  
applicable

(a) the Minister and the Treasurer; or

(b) the Minister, acting on behalf of Ontario, and the Treasurer, the Provincial Secretary-Treasurer, or the Minister of Finance of the government of,

(i) an agreeing province, or

(ii) a non-agreeing province to which an adjusting payment may be made under subsection 2 of section 49a.

6. Section 45 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor: 1961-62,  
c. 60, s. 45,  
re-enacted

45.—(1) An information under this Act may be laid by any officer of the Treasury Department, by a member of the Ontario Provincial Police Force, or by any person thereunto authorized by the Treasurer, and, where an information purports to have been laid under this Act, it shall be deemed to have been laid by a person thereunto authorized by the Treasurer and shall not be called in question for lack of authority of the informant except by the Treasurer or by some person acting for him or Her Majesty. Information

(2) An information in respect of an offence under this Act may be for one or more offences, and no information, warrant, conviction or other proceeding in a

prosecution

prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Limitation  
of  
prosecutions  
R.S.O. 1960,  
c. 387

- (3) An information under *The Summary Convictions Act* in respect of an offence under this Act may be paid on or before a day five years from the time when the matter of the information arose or within one year from the day on which evidence, sufficient in the opinion of the Treasurer to justify a prosecution for the offence, came to his knowledge, and the Treasurer's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof.

Proof of  
service  
by mail

- (4) Where, by this Act or a regulation, provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed, indicating such address, and that he identifies as exhibits attached to the affidavit the post office certificate of registration of the letter or a true copy of the relevant portion thereof, and a true copy of the request, notice or demand, shall be received as *prima facie* evidence of the sending and of the request, notice or demand.

Proof of  
failure to  
comply

- (5) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person, shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be.

Proof of  
time of  
compliance

- (6) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other

person



person authorized to take affidavits, setting out that he has charge of the appropriate records and that after careful examination of such records he has found that the return, statement, answer or certificate was filed or made on a particular day, shall be received as *prima facie* evidence that it was filed or made on that day and not prior thereto.

- (7) An affidavit of an officer of the Treasury Department, <sup>Proof of documents</sup> sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that the document annexed thereto is a document or true copy of a document made by or on behalf of the Treasurer or some person exercising the powers of the Treasurer or by or on behalf of a taxpayer, shall be received as *prima facie* evidence of the nature and contents of the document and is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.
- (8) An affidavit of an officer of the Treasury Department, <sup>Proof of no appeal</sup> sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed or otherwise communicated to a taxpayer on a particular day pursuant to this Act and that, after careful examination and search of the records, he has been unable to find that a notice of objection or of appeal from the assessment was received within the time allowed therefor, shall be received as *prima facie* evidence of the statement contained therein.
- (9) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Treasury Department, it is not necessary to prove his signature or that he is such an officer, nor is it necessary to prove the signature or official character of the person before whom the affidavit is sworn. <sup>Presumption</sup>

- (10) Judicial notice shall be taken of, <sup>Judicial notice</sup>

(a) all orders or regulations made under this Act;  
and

(b)

- (b) a collection agreement entered into under this Act or any agreement for the collection by Canada of the taxes imposed under the income tax statute of an agreeing province,

without such orders, regulations or agreements being specially pleaded or proven.

Proof of documents

- (11) Every document purporting to be an order, direction, demand, notice, certificate, requirement, decision, assessment, discharge of mortgage or other document purporting to have been executed under, or in the course of administration or enforcement of, this Act over the name in writing of the Treasurer, his deputy, or an officer authorized by regulation to exercise powers or perform duties of the Treasurer under this Act, shall be deemed to be a document signed, made and issued by the Treasurer, his deputy or the officer unless it has been called in question by the Treasurer or by some person acting for him or Her Majesty.

Mailing date

- (12) For the purposes of this Act, the day of mailing of any notice of assessment or notification described in subsection 4 of section 8 shall, in the absence of any evidence to the contrary, be deemed to be the day appearing from such notice or notification to be the date thereof unless called in question by the Treasurer or by some person acting for him or Her Majesty.

Date when assessment made

- (13) Where any notice of an assessment has been sent by the Treasurer as required by this Act, the assessment shall be deemed to have been made on the day of mailing of the notice of assessment.

Forms prescribed or authorized

- (14) Every form purporting to be a form prescribed or authorized by the Treasurer shall be deemed to be a form prescribed by order of the Treasurer under this Act unless called in question by the Treasurer or by some person acting for him or Her Majesty.

Proof of provision of collection agreements

- (15) A document purporting to be a collection agreement entered into under this Act or an agreement with Canada for the collection of tax imposed under the income tax statute of an agreeing province that is,

(a) published in the *Canada Gazette*; or

(b)

(b) certified as such by or on behalf of,

(i) the Treasurer, or

(ii) the Provincial Treasurer, the Provincial Secretary-Treasurer or the Minister of Finance of the appropriate agreeing province,

shall be received as *prima facie* evidence of the contents thereof.

(16) In any prosecution for an offence under this Act, the production of a return, certificate, statement or answer required by or under this Act or a regulation, purporting to have been filed or delivered by or on behalf of the person charged with the offence or to have been made or signed by him or on his behalf, shall be received as *prima facie* evidence that such return, certificate, statement or answer was filed or delivered by or on behalf of that person or was made or signed by him or on his behalf.

Proof of  
return

(17) Every certificate by the Treasurer as to,

Proof of  
certificate  
of the  
Treasurer

(a) a taxpayer's tax payable under the Federal Act as defined in clause *a* of subsection 4 of section 3; or

(b) a taxpayer's income for the year as defined in clause *d* of subsection 4 of section 3,

is *prima facie* evidence that a taxpayer's tax payable under the Federal Act, or his income for the year, as the case may be, is the amount set out therein.

(18) Where a collection agreement is entered into, any document or certificate that is executed or issued by the Minister, the Deputy Minister of the Department of National Revenue for Taxation, or an official of the Department of National Revenue on behalf or in place of the Treasurer, his deputy or an officer of his Department, shall be deemed, for all purposes of this Act, to be executed or issued by the Treasurer, his deputy or an officer of the Treasury Department, as the case may be.

Certificates  
of the  
Minister of  
National  
Revenue and  
his officials

(19) Where a collection agreement is entered into, a reference in this section to the Ontario Provincial Police Force shall be construed as a reference to the Royal Canadian Mounted Police.

Royal  
Canadian  
Mounted  
Police

1961-62,  
c. 60, s. 49a  
(1961-62,  
c. 61, s. 8),  
subs. 1,  
amended

7.—(1) Subsection 1 of section 49a of *The Income Tax Act, 1961-62*, as enacted by section 8 of *The Income Tax Amendment Act, 1961-62*, is amended by adding thereto the following clause:

(aa) “amount deducted or withheld” does not include any refund made in respect of that amount.

1961-62,  
c. 60, s. 49a  
(1961-62,  
c. 61, s. 8),  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 49a is repealed and the following substituted therefor:

Adjustments  
between  
Ontario and  
non-  
agreeing  
province

(2) Where in respect of a taxation year a non-agreeing province is authorized to make a payment to Ontario that, in the opinion of the Treasurer, corresponds to an adjusting payment, the Lieutenant Governor in Council may authorize the Treasurer to make an adjusting payment to that non-agreeing province and enter into any agreement that may be necessary to carry out the purposes of this section.

1961-62,  
c. 60, s. 49a  
(1961-62,  
c. 61, s. 8),  
subss. 4, 5,  
re-enacted

(3) Subsections 4 and 5 of the said section 49a are repealed and the following substituted therefor:

Calculation  
of adjusting  
payment

(4) The adjusting payment to be made under this section shall be in an amount that is equal to the aggregate of the amounts deducted or withheld under section 9 in respect of the tax payable for a taxation year by individuals who,

(a) file returns under the Federal Act;

(b) are taxable thereunder in respect of that year; and

(c) are resident on the last day of that year in the non-agreeing province to which the adjusting payment is to be made.

Where no  
action by  
employee

(5) Where an adjusting payment is to be made and there has been an amount deducted or withheld under section 9 on account of the tax for a taxation year of an individual who is taxable under the Federal Act in respect of that year and who is resident on the last day of that taxation year in the non-agreeing province,

(a) no action lies for the recovery of such amount by that individual; and

(b)



- (b) the amount may not be applied in discharge of any liability of that individual under this Act.

(4) Subsection 8 of the said section 49a is repealed and the following substituted therefor:

1961-62,  
c. 60, s. 49a  
(1961-62,  
c. 61, s. 8),  
subs. 8,  
re-enacted

- (8) Where a collection agreement is entered into and the Government of Canada has agreed in respect of a taxation year to carry out the direction of Ontario and to make an adjusting payment on behalf of Ontario, the adjusting payment,

Adjusting  
payment to  
non-  
agreeing  
province  
under  
collection  
agreement

- (a) shall be made out of any moneys that have been collected on account of tax under this Act for any taxation year; and

- (b) shall be the amount calculated by the Minister to be the amount required to be paid under section 4,

and the payment thereof discharges any obligations the Government of Canada may have with respect to the payment to Ontario of any amount deducted or withheld under section 9 to which subsection 5 applies.

8.—(1) Subsection 1 of section 9 of *The Income Tax Amendment Act, 1961-62* is amended by striking out “section 7” in the first line and inserting in lieu thereof “section 8”.

1961-62,  
c. 61, s. 9,  
subs. 1,  
amended

(2) Subsection 2 of the said section 9 is amended by striking out “Section 7” in the first line and inserting in lieu thereof “Section 8”.

1961-62,  
c. 61, s. 9,  
subs. 2,  
amended

9.—(1) This Act, except section 7, applies in respect of the taxation year 1962 and in respect of subsequent taxation years.

Application  
of Act

(2) Section 7 applies in respect of the taxation year 1963 and in respect of subsequent taxation years.

Idem

10. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

11. This Act may be cited as *The Income Tax Amendment Act, 1962-63*.

Short title



## CHAPTER 62

**An Act respecting the Interpretation of an  
Agreement between the Government of  
Canada and the Government of Ontario  
with respect to the Collection of  
Income Taxes**

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Court of Appeal has power to and may hear, <sup>Court of Appeal</sup> consider and come to an opinion on any matter referred to <sup>jurisdiction</sup> it under clause 20 of the agreement between the Government of Canada and the Government of Ontario mentioned in section 46 of *The Income Tax Act, 1961-62*. 1961-62,  
c. 60

**2.** Any province of Canada that has, after the 1st day of December, 1961, entered into an agreement of a like nature <sup>Rights of other province to be heard</sup> and having like purposes to the agreement mentioned in section 1 may appear before the Court of Appeal and be heard as a party on any matter referred to the Court of Appeal under clause 20 of the agreement mentioned in section 1.

**3.** The opinion of the Court of Appeal on any matter <sup>Opinion of Court deemed judgment</sup> referred to it under clause 20 of the agreement mentioned in section 1 shall be deemed to be a judgment of the Court of Appeal for the purpose of any appeal.

**4.** This Act may be cited as *The Income Tax Agreement* <sup>Short title</sup> *Act, 1962-63*.





## CHAPTER 63

## An Act to amend The Indian Welfare Services Act

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Indian Welfare Services Act* is amended R.S.O. 1960, c. 183, s. 2, amended by inserting after "Act" where it appears the first time in the third line "*The Mothers' Allowances Act*", so that the section shall read as follows:

2. Every Indian resident in Ontario is entitled to the Indians eligible for welfare benefits benefits of *The Blind Persons' Allowances Act*, *The Disabled Persons' Allowances Act*, *The Mothers' Allowances Act* and *The Old Age Assistance Act* to R.S.O. 1960, cc. 35, 107, 247, 267 the same extent as any other person.

**2.** Section 3 of *The Indian Welfare Services Act* is repealed. R.S.O. 1960, c. 183, s. 3, repealed

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Indian Welfare Services Amendment Act, 1962-63*. Short title



## CHAPTER 64

## An Act to amend The Insurance Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 25, re-enacted

25.—(1) A licence to carry on automobile insurance in Ontario is subject to the following conditions: Conditions of licence to carry on automobile insurance

1. In any action in Ontario against the licensed insurer, or its insured, arising out of an automobile accident in Ontario, the insurer shall appear and shall not set up any defence to a claim under a policy issued out of Ontario, including any defence as to its limit or limits of liability under the policy, that might not be set up if the policy were a motor vehicle liability policy issued in Ontario.
2. In any action in another province or territory of Canada against the licensed insurer, or its insured, arising out of an automobile accident in that province or territory, the insurer shall appear and shall not set up any defence to a claim under a motor vehicle liability policy issued in Ontario, including any defence as to its limit or limits of liability under the policy, that might not be set up if the policy were a motor vehicle liability policy issued in that province or territory.

(2) The licence of an insurer who commits a breach of either of the conditions of licence set out in subsection 1 may be cancelled. Breach of condition

2.—(1) Subsection 5 of section 76 of *The Insurance Act* is amended by adding at the commencement thereof "Subject to subsection 5a", so that the subsection shall read as follows: R.S.O. 1960, c. 190 s. 76, subs. 5, amended

Unearned  
premiums  
a liability

- (5) Subject to subsection 5a, in the case of all classes of insurance, other than life insurance, and in the case of all insurers, the statement shall show as a liability of the insurer 80 per cent of the actual portions of unearned premiums on all business in force on the 31st day of December then last past or 80 per cent of 50 per cent of the premiums written in its policies and received in respect of contracts having one year or less to run and *pro rata* on those for longer periods.

R.S.O. 1960,  
c. 190, s. 76,  
amended

- (2) The said section 76 is amended by adding thereto the following subsection:

Reserve  
liability  
on non-  
cancellable  
accident  
and sickness  
insurance

- (5a) In the case of non-cancellable accident and sickness insurance, the statement shall show as a liability of the insurer a reserve computed on such bases and in accordance with such methods as will place an adequate value on the liabilities thereunder, but in no case shall the value placed upon the benefits under any policy be less than the value placed upon the future premiums.

R.S.O. 1960,  
c. 190, s. 76,  
subs. 6,  
amended

- (3) Subsection 6 of the said section 76 is amended by striking out "of policies of life insurance" in the fourth line, so that the subsection shall read as follows:

Life  
insurers

- (6) In the case of insurers transacting life insurance, the statement shall show as a liability the valuation of outstanding contracts of insurance according to the standard for valuation prescribed by section 80, or such higher standard as the insurer, with the approval of the Superintendent, adopts.

R.S.O. 1960,  
c. 190, s. 79,  
re-enacted

3. Section 79 of *The Insurance Act* is repealed and the following substituted therefor:

Powers of  
insurer to  
hold real  
estate

- 79.—(1) A licensed insurer, and, subject to its constitution and rules, a licensed fraternal or mutual benefit society or any branch or lodge thereof, may acquire and hold absolutely for its own use and benefit such real estate or leaseholds,

(a) as are necessary for the transaction of its business; and

(b) as are *bona fide* mortgaged to it by way of security or are acquired by it by foreclosure or in satisfaction of a debt,

and



and may sell, mortgage, lease or otherwise dispose of the same, but real estate or leaseholds acquired by foreclosure or in satisfaction of a debt shall be sold or disposed of within seven years after they have been so acquired.

- (2) Except in the case of a fraternal or mutual benefit society or any branch or lodge thereof, a licensed insurer may, <sup>Additional real estate</sup>

(a) acquire and hold real estate or leaseholds in addition to those provided for by subsections 1 and 6; and

(b) acquire or construct and hold a building larger than is required for the transaction of its business, and may lease any part of the building not so required,

upon complying with and subject to *The Mortmain and Charitable Uses Act*, if the insurer is subject thereto, in respect of the additional real estate or the part of the building not so required. <sup>R.S.O. 1960, c. 246</sup>

- (3) A licensed fraternal or mutual benefit society or any branch or lodge thereof may, subject to its constitution or rules and when so authorized by the Lieutenant Governor in Council, acquire or construct and hold a building larger than is required for the transaction of its business, and may lease any part of the building not so required. <sup>Powers of societies re office building</sup>

- (4) Any real estate or leaseholds acquired by foreclosure or in satisfaction of a debt that have been held by the insurer for a longer period than seven years without being disposed of shall, unless held pursuant to any other provision of this section, be forfeited to Her Majesty for the use of Ontario. <sup>Forfeiture</sup>

- (5) No forfeiture under subsection 4 shall take effect until the expiration of at least six calendar months after notice in writing to the insurer by the Minister of the intention of Her Majesty to claim the forfeiture, but the insurer may, notwithstanding such notice, before the forfeiture is effected, sell or dispose of the property free from liability to forfeiture. <sup>Idem</sup>

- (6) A licensed insurer that has invested its funds in such real estate or leaseholds as are referred to in subsections 2, 4 and 6 of section 208 of *The Corporations Act* may acquire and hold such property absolutely for its own use and benefit. <sup>Investments in real estate R.S.O. 1960, c. 71</sup>

Rights  
under  
section are  
additional

R.S.O. 1960,  
c. 246

- (7) Except where otherwise provided, every right, power and authority granted by this section is in addition to any right, power and authority granted by a licence issued under *The Mortmain and Charitable Uses Act* or any other Act.

R.S.O. 1960,  
c. 190, s. 80,  
re-enacted

4. Section 80 of *The Insurance Act* is repealed and the following substituted therefor:

Valuation  
of contracts  
of insurance

- 80.—(1) The valuation of contracts of insurance issued by insurers incorporated and licensed under the law of Ontario to transact life insurance, except contracts of fraternal societies licensed under this Act, shall include a reserve for all unmatured obligations guaranteed under the terms of its policies dependent on life, disability, sickness, accident or any other contingency or on a term certain, and shall also include a reserve for profits ascertained and apportioned for future distribution.

Methods of  
computation  
for life  
policies

- (2) In computing the reserve for all unmatured obligations guaranteed under the terms of the policies dependent on life contingencies only, the valuation shall be made in accordance with the following prescriptions:

1. The rate of interest assumed shall not exceed the rate prescribed in Schedule D.
2. The tables of mortality used shall be the tables prescribed in Schedule D, subject to any modification in the age that the company deems appropriate and necessary to secure the proper valuation of a particular class of policies and that has the effect of increasing the reserves, but, if it appears to a company that the reserves for a particular class of policies cannot be appropriately computed by any table of mortality prescribed by Schedule D or by any such table modified as aforesaid, the company shall apply to the Superintendent for approval of the table the company deems most appropriate for the computation, and the Superintendent may grant such approval and revoke it at any time.
3. The method of valuation shall be that specified in Schedule D or any adaptation thereof approved by the Superintendent, or any other method the company deems appropriate, but

the method used shall be such that the reserve calculated in accordance therewith will not be less at any duration than the reserve computed in accordance with the valuation provisions of Schedule D, and the method used shall make adequate provision for the guaranteed values at the subsequent durations of the policy according to the rate of interest and the table of mortality used in the valuation.

4. The reserve in the first policy year need not in any event exceed the reserve computed in accordance with the rate of interest and table of mortality used in the valuation and the method of valuation as specified in Schedule D.
- (3) In computing the reserve for all unmatured obligations that are guaranteed under the terms of, or that arise out of policies dependent on, contingencies other than life contingencies, the bases and methods of valuation employed by the company shall be such as to place an adequate value on the liabilities thereunder and shall be such that the value of the benefits under every policy shall in no case be less than the value placed upon the future premiums.  
Computation for other than life policies
- (4) There shall be included in the annual statement a certificate by the actuary of the company, or by the actuary responsible for the valuation if the company has no actuary, to the effect that the reserves shown in the valuation summary are not less than the reserves required by this section and, in addition, that in his opinion the reserves make a good and sufficient provision for all unmatured obligations of the company guaranteed under the terms of its policies.  
Certificate of actuary
- (5) Where the Superintendent approves of a table of mortality under subsection 2, he shall include in his annual report to the Minister information concerning the origin, characteristics of the table and the circumstances in which it may be used, and, when the Superintendent revokes any such approval, he shall include a statement as to the circumstances of the revocation.  
Report on approved mortality tables
- (6) No insurer shall issue any policy that does not appear to be self-supporting upon reasonable assumptions as to interest, mortality and expenses.  
Contracts must be self-supporting



Valuation  
of fraternal  
society  
contracts

- (7) Where the contracts of a fraternal society are re-insured by a licensed insurer other than a fraternal society, the reinsurer may, with the approval of the Superintendent, value such contracts on any appropriate table of mortality specified in Schedule D with interest at 4 per cent per annum.

R.S.O. 1960,  
c. 190,  
amended

5. *The Insurance Act* is amended by adding thereto the following section:

Separate  
accounts

- 80b. Every insurer licensed to transact life insurance shall keep separate and distinct accounts of participating and non-participating business.

R.S.O. 1960,  
c. 190, s. 94,  
subs. 1,  
re-enacted

6. Subsection 1 of section 94 of *The Insurance Act* is repealed and the following substituted therefor:

Contents  
of policy

- (1) Every policy shall contain the name of the insurer, the name of the insured, the name of the person or persons to whom the insurance money is payable, the amount, or the method of determining the amount, of the premium for the insurance, the subject-matter of the insurance, the indemnity for which the insurer may become liable, the event on the happening of which the liability is to accrue, the date upon which the insurance takes effect and the date it terminates or the method by which the latter is fixed or to be fixed.

R.S.O. 1960,  
c. 190, s. 119,  
subs. 2,  
amended

7. Subsection 2 of section 119 of *The Insurance Act* is amended by adding at the end thereof "but, in the case of property insured against fire, the policy may include property damage insurance and theft insurance", so that the subsection shall read as follows:

Insurance  
on premium  
note plan

- (2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, live stock and weather insurance, but, in the case of property insured against fire, the policy may include property damage insurance and theft insurance.

R.S.O. 1960,  
c. 190,  
amended

8. *The Insurance Act* is amended by adding thereto the following schedule:

## SCHEDULE D

### MINIMUM STANDARDS OF VALUATION OF LIFE INSURANCE CONTRACTS

1. As respects benefits depending upon life contingencies only in or arising out of policies of life insurance, other than industrial policies and excluding life annuity settlements, the bases of valuation for any particular class or group of policies shall be an assumed rate of interest not exceeding  $3\frac{1}{2}$  per cent per annum and one of the tables of mortality specified below, or any other table that is approved by the Superintendent.



*Tables of Mortality*

- (i) American Experience Table, Am. Exp.
- (ii) Institute of Actuaries of Great Britain, H<sup>m</sup>
- (iii) British Offices Life Tables, 1893, O<sup>m</sup>(5)
- (iv) Canadian Men Table, C<sup>m</sup>(5)
- (v) American Men Table, A<sup>m</sup>(5)
- (vi) Mortality of Assured Lives, A 1924-29
- (vii) Commissioners 1941 Standard Ordinary Mortality Table, 1941 CSO
- (viii) Commissioners 1958 Standard Ordinary Mortality Table, 1958 CSO

The value of the policy as of any date after issue shall be the difference between the then value of the sum assured thereunder (including the then value of any bonus or addition thereto, or reduction in future premiums, made after the date of issue of the policy and subsisting as at the date of valuation), and the then value of the valuation premiums (as hereinafter defined) assumed to be payable on each anniversary of the policy following the date of valuation during the term for which premiums are required to be paid in accordance with the terms of the policy to be valued.

If the net level premium for the life insurance risks incurred by the company in issuing the policy does not exceed the whole life net level premium for a like amount of whole life insurance, the valuation premium shall be the net level premium for a like policy as of an age one year greater than the age at entry assumed to be payable at the beginning of the second and each subsequent policy year for which premiums are payable under the terms of the policy to be valued.

If the net level premium for the life insurance risks incurred by the company in issuing the policy exceeds the net level premium payable throughout life for a like amount of whole life insurance, the valuation premium shall be obtained by adding to each net level annual premium, excluding the first, such an amount, assumed to be payable at the beginning of the second and each subsequent policy year for which premiums are payable under the terms of the policy to be valued, as is equal in value as of the date of issue of the policy to the difference between the net level premiums payable throughout life for a whole life policy and the one-year term premium for, in each case, a policy of like amount and of the same age at entry as the policy to be valued.

2. As respects benefits depending upon life contingencies only in or arising out of industrial life insurance policies, excluding life annuity settlements, the basis of valuation for any particular class or group of policies shall be an assumed rate of interest not exceeding  $3\frac{1}{2}$  per cent per annum and one of the tables of mortality specified below, or any other table that is approved by the Superintendent.

*Tables of Mortality*

- (i) Any of the tables named under paragraph 1 above.
- (ii) The Standard Industrial Table.
- (iii) 1941 Standard Industrial Mortality Table, 1941 SI.

No reserve shall be held at any valuation within the first year after issue of any policy. In valuations thereafter the insurance risks of the first policy year shall be ignored, and, for valuation purposes, the date of issue of the policy shall be assumed to be one year after the actual date of issue, the age at issue shall be assumed to be one year greater than the actual age at issue, and the premium terms shall be assumed to commence as of the assumed date of issue and to be co-terminous with the premium term stated in the policy to be valued.

The valuation premium shall be such a level premium as of the assumed age at issue, payable for the assumed premium term, as is equal in the then present value to the insurance risks incurred by the Company as from the attainment of the assumed age at issue.

In valuations made as of any date after the attainment of the assumed age at issue, the value of the policy shall be the difference between the then value of the sums assured (including the then value of any bonus or addition thereto, or reduction in future premiums, made after the date of issue of the policy and subsisting as of the date of valuation) and the then value of the valuation premium assumed to be payable following the date of valuation during the term for which premiums are required to be paid in accordance with the terms of the policy.

If the terms of any particular class or group of policies are such that the above method of valuation appears to be inapplicable or inappropriate, adaptations in the above method may be made, subject to the approval of the Superintendent.

3. As respects immediate or deferred life annuities, including life annuity settlements (other than disability annuities) arising out of policies of life insurance, the bases of valuation shall be an assumed rate of interest not exceeding 4 per cent per annum and one of the tables of mortality specified below, male or female, according to the sex of the nominee, or any other table of mortality that is approved by the Superintendent.

#### *Tables of Mortality*

- (i) Mortality of Annuitants, 1900-1920, a(f) and a(m).
- (ii) 1937 Standard Annuity Table.
- (iii) The a-1949 Table (Annuity Table for 1949).
- (iv) The a(55) Tables for Annuitants.

In the valuation of deferred annuities, the method of valuation shall be the net level premium method, subject to such adaptations as the Superintendent deems appropriate in any case where the premium may not be uniform throughout the premium-paying period.

4. As respects future payments dependent on a term certain only, including term-certain annuities arising out of policies of life insurance, the valuation shall be made at a rate of interest not exceeding 4 per cent per annum, and the method of valuation shall be the net level premium method, subject to such adaptations as the Superintendent deems appropriate in any case where the premium for the policy may not be uniform throughout the premium-paying period.

5. Policies other than those at uniform annual premiums for a uniform amount of insurance throughout shall be valued on bases determined in accordance with the foregoing provisions with such adaptations in the valuation methods as seem to the Superintendent appropriate in the circumstances.

6. Where a policy of life insurance provides for accident or sickness insurance benefits, the Superintendent may prescribe the basis for valuing such benefits.

Commence-  
ment

**9.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**10.** This Act may be cited as *The Insurance Amendment Act, 1962-63*.

## CHAPTER 65

**An Act to amend  
The Investigation of Titles Act**

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 12 of section 2 of *The Investigation of Titles Act* is repealed. R.S.O. 1960,  
c. 193, s. 2,  
subs. 12,  
repealed
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment
3. This Act may be cited as *The Investigation of Titles Amendment Act, 1962-63*. Short title





## CHAPTER 66

**An Act to amend  
The Junior Farmer Establishment Act**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Junior Farmer Establishment Act* is amended by <sup>R.S.O. 1960,</sup> renumbering section 1 as section 1*a* and by adding thereto <sup>c. 198,</sup> amended the following section:

**1.** In this Act,

Interpre-  
tation

- (a) "borrower" means a person to whom a loan is made under this Act;
- (b) "Corporation" means The Ontario Junior Farmer Establishment Loan Corporation;
- (c) "directors" means the directors of the Corporation;
- (d) "economic farm unit" means one or more parcels of land and buildings capable of operation to produce sufficient income,
  - (i) to repay the money borrowed under this Act and interest thereon in accordance with the terms on which the loan is made,
  - (ii) to carry out and maintain the required improvements on the farm,
  - (iii) to replace live stock and farm equipment as required from time to time,
  - (iv) to pay the annual costs of operating the farm, and

(v)

- (v) to support in a reasonable manner the junior farmer and his family, and any other person depending upon the farm for support;
- (e) "family farm" means a farm operated by a junior farmer and one or more persons related to him through blood relationship, marriage or adoption;
- (f) "farming" includes tillage of the soil, raising of live stock, dairying, apiculture and raising of fur-bearing animals;
- (g) "incorporated family farm" means a family farm where the junior farmer and other persons are incorporated as a corporation under *The Corporations Act*, and the junior farmer is an officer of such corporation;
- (h) "junior farmer" means a person who complies with clauses *a* to *e* of section 11;
- (i) "live stock" means cattle, sheep, swine, horses, goats or poultry;
- (j) "regulations" means regulations made under this Act;
- (k) "Treasurer" means the Treasurer of Ontario.

R.S.O. 1960,  
c. 71

R.S.O. 1960,  
c. 198, s. 1a,  
subs. 1,  
re-enacted

2. Subsection 1 of section 1a, as renumbered by section 1, of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor:

Corporation  
continued  
and object

- (1) The Ontario Junior Farmer Establishment Loan Corporation is continued and has as its object the making of loans to junior farmers and owners of,
  - (a) family farms and incorporated family farms where one of the family members is a junior farmer; and
  - (b) farms operated as partnerships where one of the partners is a junior farmer,

in the establishment, development and operation of their farms.

R.S.O. 1960,  
c. 198, s. 10,  
par. 8,  
amended

3. Paragraph 8 of section 10 of *The Junior Farmer Establishment Act* is amended by striking out "applicant's" in the second line and inserting in lieu thereof "borrower's", so that the paragraph shall read as follows:

8. For such purposes relating to the establishment, development and operation of the borrower's farm as the Corporation approves.

4.—(1) Clause *a* of section 11 of *The Junior Farmer Establishment Act* is amended by adding at the end thereof "on the day the application is received by the Corporation", so that the clause shall read as follows:

R.S.O. 1960, c. 198, s. 11, cl. a, amended

(a) that he is of the full age of twenty-one years and not more than thirty-five years of age on the day the application is received by the Corporation.

(2) The said section 11 is amended by adding thereto the following subsection:

R.S.O. 1960, c. 198, s. 11, amended

(2) Where the applicant for a loan under this Act applies in respect of a family farm or incorporated family farm, he shall submit with the application such particulars of the ownership and operation of the farm as the regulations prescribe.

Applicant shall submit particulars of ownership, etc.

5. Section 12 of *The Junior Farmer Establishment Act* is amended by adding thereto the following subsections:

R.S.O. 1960, c. 198, s. 12, amended

(2a) Where the Corporation is of the opinion that the land and buildings upon which security is offered by the applicant for the loan do not constitute an economic farm unit, the Corporation shall refuse the loan.

Corporation shall refuse loan where land and buildings not economic farm unit

. . . . .

(4) Where the Corporation receives insurance moneys as mortgagee, it may apply such insurance moneys on the mortgage debt or for rebuilding, reinstating or repairing the premises or for such other purposes as the Corporation deems proper.

Insurance moneys

(5) Where the Corporation applies insurance moneys under subsection 4 for any purpose, the moneys paid by the Corporation shall not be deemed to be a subsequent advance under the mortgage.

Idem

6. Section 13 of *The Junior Farmer Establishment Act* is amended by striking out "applicant" in the third line and inserting in lieu thereof "borrower" and by striking out "65" in the fourth line and inserting in lieu thereof "80", so that the section shall read as follows:

R.S.O. 1960, c. 198, s. 13, amended

Extent of  
loan

13. Where the Corporation is satisfied that the conditions of this Act and the regulations have been complied with, the Corporation may make a loan to the borrower to the extent of 80 per cent of the value of the security as shown by the valuator's report.

R.S.O. 1960,  
c. 198, s. 14,  
re-enacted

7. Section 14 of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor:

Limitation  
as to loan,

- 14.—(1) No loan shall exceed \$20,000.

rate of  
interest

- (2) Every loan shall bear interest at the rate of 5 per cent per annum.

and security  
therefor

- (3) Every loan shall be secured by a first mortgage upon the lands farmed or to be farmed as indicated in the application for the loan.

Qualifica-  
tions of  
borrower

- (4) A borrower shall be,
- (a) a junior farmer or the spouse of a junior farmer, or both of them;
  - (b) a partnership having as one of the partners a junior farmer;
  - (c) the owner of a family farm; or
  - (d) a corporation operating an incorporated family farm where the junior farmer holds shares or other evidence of ownership of assets of the corporation.

R.S.O. 1960,  
c. 198, s. 16,  
subs. 1,  
amended

8.—(1) Subsection 1 of section 16 of *The Junior Farmer Establishment Act* is amended by striking out "twenty-five" in the fifth line and inserting in lieu thereof "thirty", so that the subsection shall read as follows:

Loan, how  
repayable

- (1) Except as hereinafter provided, a loan made under this Act is repayable in annual instalments of principal and interest sufficient to discharge the debt at the end of such period as is agreed upon, but no loan shall be made for more than thirty years.

R.S.O. 1960,  
c. 198, s. 16,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 16 is repealed and the following substituted therefor:

Annual  
instalments  
of principal  
and interest

- (2) Instalments of principal and interest shall be equal and shall be payable annually not later than a date determined by the Corporation, but, from the date of the advancing of the moneys under the loan until the first payment date, interest only shall be payable.



(3) Subsection 5 of the said section 16 is amended by striking out "but not more than twenty years from the date of the mortgage or agreement for sale" in the twelfth, thirteenth and fourteenth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 198, s. 16,  
subs. 5,  
amended

- (5) The Corporation may grant such extension of time for the payment of principal and interest to any borrower and to any purchaser under an agreement for sale as the Corporation deems advisable and may, at any time at its discretion, consolidate the total indebtedness owing by any mortgagor or purchaser to the Corporation, inclusive of accrued interest and moneys paid for taxes, insurance, fees and disbursements to the date of consolidation, and alter the provisions of the mortgage and the agreement for sale so that the consolidated indebtedness with interest may be repayable in annual instalments for the balance of the term of the mortgage and agreement for sale or for such longer term as the Corporation deems proper.

Consolidation of  
indebtedness

(4) Subsection 6 of the said section 16 is amended by striking out "65" in the fifth line and inserting in lieu thereof "80", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 198, s. 16,  
subs. 6,  
amended

- (6) Where a loan has been made under this Act and the borrower applies for an increase in the loan upon the same security, the Corporation may, if it is satisfied that the conditions of this Act and the regulations have been complied with, make a new loan to the applicant to the extent of 80 per cent of the value of the security as shown by the valuator's report.

Increase  
in loans

9. Section 18 of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 198, s. 18,  
re-enacted

18. It shall be a term of a mortgage taken as security for a loan under this Act that, at the option of the Corporation, the mortgage shall immediately become due and payable where,

Sale of  
mortgaged  
land

- (a) the land or any part thereof is sold or otherwise disposed of;
- (b) an agreement is made for the sale of the land or any part thereof;
- (c) the junior farmer in respect of whose application the loan was made ceases to farm on a full-time basis on the land; or

(d)

- (d) in the case of a family farm or incorporated family farm or farm operated by a partnership, the junior farmer in respect of whose application the loan was made ceases to comply with the Act and the regulations.

Term of mortgage

- 18a. It shall be a term of a mortgage that the operation of the farm in respect of which a loan is made shall be in accordance with sound farming practices and carried out with accurate records kept of the farm operation and, at the request of the Corporation, that the junior farmer participates in a farm management programme.

R.S.O. 1960,  
c. 198, s. 23,  
amended

- 10.—(1) Section 23 of *The Junior Farmer Establishment Act* is amended by striking out "governing" in the second line and inserting in lieu thereof "respecting", so that the section, exclusive of the clauses, shall read as follows:

Regulations

23. The Lieutenant Governor in Council may make regulations respecting,

. . . . .

R.S.O. 1960,  
c. 198, s. 23,  
amended

- (2) The said section 23 is further amended by adding thereto the following clauses:

- (da) the information to be furnished to the Corporation in respect of the ownership and operation of any farm;
- (db) the prescribing and use of forms;
- (dc) the terms and conditions for the making of bank loans;
- (dd) insurance on the life of a borrower.

R.S.O. 1960,  
c. 198,  
amended

11. *The Junior Farmer Establishment Act* is amended by adding thereto the following section:

Guarantee  
of bank  
loans

- 26.—(1) The Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee payment of losses sustained by a chartered bank as a result of loans made to junior farmers for the establishment, development and operation of their farms, in an amount not to exceed 10 per cent of the aggregate principal amount of the bank loans, where,

- (a) the junior farmer has a loan from the Corporation;

(b)

- (b) the bank loan was made pursuant to an application by the borrower in the form prescribed by the Corporation, stating the purpose of the bank loan;
  - (c) an officer of the bank certifies that he has scrutinized and checked the application for the bank loan with the care required of him by the bank in the conduct of its ordinary business;
  - (d) the principal amount of the bank loan at the time of its making, together with the amount owing in respect of other bank loans guaranteed under this Act previously made to the borrower and disclosed in his application or of which the bank had knowledge,
    - (i) where the farm is owned by a junior farmer or his spouse, or both of them, or by a partnership, did not exceed the sum of \$5,000, or
    - (ii) where the farm is a family farm or an incorporated family farm, did not exceed the sum of \$10,000; and
  - (e) the bank loan was repayable in full by the terms thereof in not more than ten years and the rate of interest charged by the bank on the loan did not exceed the current rates of interest.
- (2) The form and manner of the guarantee shall be such <sup>Form of guarantee</sup> as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loss thereon guaranteed according to the terms of the guarantee.
- (3) The Lieutenant Governor in Council may make <sup>Payment of guarantee</sup> arrangements for supplying the money necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.
- (4) A claim for loss by a bank in respect of the amount <sup>Idem</sup> guaranteed shall be made to the Treasurer not sooner than ninety days nor later than one year after the entire amount of the loan becomes due and payable.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Junior Farmer Establishment Amendment Act, 1962-63*.



## CHAPTER 67

## An Act to amend The Jurors Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Jurors Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 199,  
amended

43a.—(1) Notwithstanding any other provision of this Act, where in special circumstances the Chief Justice of the High Court is satisfied that a jury list prepared in the manner provided by this Act will not provide a sufficient number of jurors for the purposes of any sittings of any court for which such jury list was prepared, he may order the sheriff to enlarge such jury list by adding thereto, in the manner hereinafter provided, such number of additional names as the Chief Justice deems necessary. Enlarging  
jury lists

(2) Upon receipt of such an order, the sheriff shall forthwith attend at the office of the clerk of the peace and select the additional number of jurors required from the names not marked as transferred to a jury list on the proper jurors' roll. Duties of  
sheriff as to  
selecting  
additional  
number  
of jurors

(3) Where there is not a sufficient number of names upon the proper jurors' roll, the sheriff shall select so many of the additional number of jurors as are required from the names not marked as transferred to a jury list on any of the jurors' rolls in the current jurors' book or on any of the jurors' rolls in the jurors' book of the nearest or any preceding year for which there is a jurors' book or a certified copy thereof in existence. If not a  
sufficient  
number on  
jurors' roll

(4) The clerk of the peace shall thereupon transfer the names selected by the sheriff to the jury list and shall mark each of such names on the appropriate jurors' Duties of  
clerk of  
the peace

roll as transferred to the jury list by a reference to the jury list to which it has been transferred and the number belonging to it on that list.

Sheriff and clerk of the peace to certify enlarged jury list

- (5) As soon as the additional names have been added to the jury list, the sheriff and the clerk of the peace shall certify under their hands in the jurors' book, immediately after such additional names, that the jury list has been enlarged pursuant to this section, and the jurors' book with the jury list so enlarged and certified shall then be returned to the custody of the clerk of the peace.

Commencement

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Jurors Amendment Act, 1962-63*.

## CHAPTER 68

**An Act to establish  
Killarney Recreational Reserve**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS recreation is becoming one of the chief land Preamble  
uses of a growing population having more leisure time  
and greater transportation facilities at its disposal, it is  
therefore expedient in the public interest to name an area of  
public lands strategically located in relation to centres of dense  
population and possessing great potential for year-round  
recreational use;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1. In this Act,**

Interpre-  
tation

(a) "Minister" means the Minister of Lands and Forests;

(b) "public lands" means lands belonging to Her  
Majesty in right of Ontario, whether or not covered  
with water.

**2.** The public lands situate within the area described in Killarney  
Recreational  
Reserve  
the Schedule to this Act shall be known as Killarney Recrea-  
tional Reserve under the control and management of the  
Minister.

**3.—(1)** The Minister shall formulate a land-use plan for Land-use  
plan  
the development of the public lands in Killarney Recreational  
Reserve that have a potential for recreational use.

(2) The Minister may take such measures as he deems Implemen-  
tation  
of plan  
proper for the implementation of the land-use plan referred  
to in subsection 1 or any part of such plan.

**4.—(1)** The Lieutenant Governor in Council may make Regulations  
regulations,

(a)

- (a) respecting the care, preservation, improvement, control and management of Killarney Recreational Reserve;
- (b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Regulations  
may be  
limited in  
application

(2) Any regulation under subsection 1 may be made applicable to any part of Killarney Recreational Reserve.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Killarney Recreational Reserve Act, 1962-63*.



## SCHEDULE

## KILLARNEY RECREATIONAL RESERVE

In the districts of Algoma, Manitoulin, Nipissing, Parry Sound and Sudbury, and described as follows:

COMMENCING at a point in the high water mark on the easterly shore of Georgian Bay where the same is intersected by the southerly boundary of the Township of Shawanaga, in the District of Parry Sound;

THENCE easterly along the southerly boundaries of the townships of Shawanaga and Burpee to the southeasterly corner of the last-mentioned township;

THENCE northerly along the easterly boundaries of the townships of Burpee and Burton to the centre line of the allowance for road between concessions VI and VII in the Township of McKenzie;

THENCE easterly along the centre line of the allowance for road between concessions VI and VII to the easterly boundary of the Township of McKenzie;

THENCE continuing easterly along the centre line of the allowance for road between concessions VI and VII in the Township of Ferrie to the centre line of the allowance for road between lots 30 and 31, Concession VI;

THENCE southerly along the centre line of the allowance for road between lots 30 and 31, concessions VI, V, IV, III, II and I, to the southerly boundary of the Township of Ferrie;

THENCE easterly along the southerly boundary of the Township of Ferrie to the southeasterly corner thereof;

THENCE northerly along the easterly boundaries of the townships of Ferrie and Mills to the centre line of the allowance for road between concessions VI and VII in the Township of Mills;

THENCE westerly along the centre line of the allowance for road between concessions VI and VII to the westerly boundary of the Township of Mills;

THENCE northerly along the westerly boundary of the Township of Mills to the centre line of the allowance for road between concessions VIII and IX in the Township of Wilson;

THENCE westerly along the centre line of the allowance for road between concessions VIII and IX to the centre line of the allowance for road between lots 15 and 16, Concession IX, in the said Township of Wilson;

THENCE northerly along the centre line of the allowance for road between lots 15 and 16, concessions IX and X, to the centre line of the allowance for road between concessions X and XI in the said Township of Wilson;

THENCE westerly along the centre line of the allowance for road between concessions X and XI to the westerly boundary of the Township of Wilson;

THENCE northerly along the westerly boundaries of the townships of Wilson and McConkey to the centre line of the allowance for road between concessions IV and V in the Township of McConkey;

THENCE easterly along the centre line of the allowance for road between concessions IV and V to the easterly boundary of the Township of McConkey;

THENCE continuing easterly along the centre line of the allowance for road between concessions IV and V, in the Township of Hardy, to the easterly boundary of the Township of Hardy;

THENCE northerly along the easterly boundary of the Township of Hardy to the centre line of the allowance for road between concessions VI and VII in the Township of Patterson;

THENCE easterly along the centre line of the allowance for road between concessions VI and VII, in the Township of Patterson, to the northwesterly corner of the Township of Gurd;

THENCE easterly along the northerly boundary of the Township of Gurd to the northeasterly corner thereof;

THENCE northerly along the easterly boundary of the Township of Patterson and its production northerly to the intersection with the boundary between the districts of Nipissing and Parry Sound;

THENCE northwesterly in a straight line to the intersection of the production easterly of the northerly boundary of the Township of Loudon, in the District of Nipissing, with the production northerly of the line between lots 4 and 5, Concession V, in the Township of Bertram;

THENCE westerly along the said production of the northerly boundary of the Township of Loudon and continuing westerly along the northerly boundary of the Township of Loudon, in the District of Nipissing, and the northerly boundaries of the townships of Haddo and Cherriman, in the District of Sudbury, to the northwesterly corner of the last-mentioned township;

THENCE northerly along the easterly boundaries of the townships of Hendrie and Hawley to the northeasterly corner of the last-mentioned township;

THENCE westerly along the northerly boundary of the Township of Hawley to the northwesterly corner thereof;

THENCE southerly along the westerly boundaries of the townships of Hawley and Hendrie to the southwesterly corner of the last-mentioned township;

THENCE westerly along the northerly boundary of the Township of Servos to the northwesterly corner of Lot 6, Concession VI, in the said Township of Servos;

THENCE southerly along the westerly boundary of Lot 6, concessions VI, V, IV and III, to the southwesterly corner of Lot 6, Concession III, in the said Township of Servos;

THENCE westerly along the northerly boundaries of lots 7, 8, 9, 10, 11 and 12, Concession II, in the Township of Servos, to the easterly boundary of the Township of Laura;

THENCE southerly along the easterly boundary of the Township of Laura to the southeasterly corner thereof;

THENCE westerly along the southerly boundary of the Township of Laura to the southeasterly corner of the Township of Halifax;

THENCE northerly along the easterly boundaries of the townships of Halifax and Tilton to the northeasterly corner of the last-mentioned township;

THENCE westerly along the northerly boundaries of the townships of Tilton and Eden to the easterly boundary of Whitefish Lake Indian Reserve Number 6;

THENCE northerly, westerly, southwesterly, southerly and south-easterly following the easterly, northerly and westerly boundaries of the said Indian Reserve to the northerly boundary of the Township of Dieppe;

THENCE westerly along the northerly boundaries of the townships of Dieppe and Truman to the northwesterly corner of the last-mentioned township;

THENCE southerly along the westerly boundary of the Township of Truman to the high water mark on the northerly shore of West Bay of Lake Panache;

THENCE in a general westerly and southwesterly direction following the high water mark on the northerly and westerly shores of West Bay to the line between concessions III and IV in the Township of Foster;

THENCE westerly along the line between concessions III and IV to the westerly boundary of the Township of Foster;

THENCE southerly along the westerly boundary of the Township of Foster to the southwesterly corner thereof;

THENCE westerly along the northerly boundaries of the townships of Mongowin and McKinnon to the northwesterly corner of the last-mentioned township;

THENCE southerly along the westerly boundary of the Township of McKinnon to the high water mark on the northerly shore of the North Channel of Lake Huron;

THENCE in a general westerly direction following the said high water mark to the most westerly extremity of Serpent River Indian Reserve Number 7 in the District of Algoma;

THENCE southerly in a straight line to the high water mark on the most westerly extremity of Sylvain Island;

THENCE south astronomically to the boundary between the districts of Algoma and Manitoulin;

THENCE easterly along the last-mentioned boundary to a point in longitude 82 degrees 30 minutes west;

THENCE southeasterly in a straight line to the high water mark on the most northerly extremity of Maple Point, in the Township of Allan, in the District of Manitoulin;

THENCE easterly in a straight line to the high water mark on the most northwesterly extremity of Freer Point in the Township of Howland;

THENCE in a general northeasterly, easterly and southerly direction following the high water mark of the North Channel of Lake Huron and Georgian Bay to the southerly boundary of the Township of Howland;

THENCE easterly in a straight line to the high water mark on the most northerly extremity of Bold Point on Manitoulin Island Indian Reserve Number 26;

THENCE east astronomically to the intersection with a line drawn south astronomically from the southwesterly corner of the Township of Travers in the District of Sudbury;

THENCE southeasterly in a straight line to the high water mark on the most northerly extremity of North Limestone Island situate in Georgian Bay, in front of the Township of Shawanaga, in the District of Parry Sound;

THENCE easterly in a straight line to the high water mark on the most northerly extremity of Twin Island;

THENCE easterly in a straight line to the point of commencement;

EXCEPTING THEREOUT AND THEREFROM the Municipality of the Township of Rutherford and George Island in the District of Manitoulin.



AND FURTHER EXCEPTING THEREOUT AND THEREFROM the townships of Bigwood, Cosby, Martland and Mason, in the District of Sudbury, and parts of the townships of Delamere and Scollard, in the District of Sudbury, and part of the Township of Falconer, in the District of Nipissing, and which exception may be more particularly described as follows:

COMMENCING at the northeasterly corner of the Township of Delamere;

THENCE westerly along the northerly boundary of the said township to the northwesterly corner of Lot 10, Concession VI, in the said Township of Delamere;

THENCE southerly along the line between lots 10 and 11, concessions VI, V, IV, III and II, to the southwesterly corner of Lot 10, Concession II, in the said Township of Delamere;

THENCE westerly along the line between concessions I and II to the westerly boundary of the said Township of Delamere;

THENCE southerly along the westerly boundary of the Township of Delamere to the northerly boundary of the Township of Bigwood;

THENCE westerly along the northerly boundary of the Township of Bigwood to the northwesterly corner thereof;

THENCE southerly along the westerly boundary of the Township of Bigwood and its production southerly to the boundary between the districts of Parry Sound and Sudbury;

THENCE easterly following the boundary between the districts of Parry Sound and Sudbury to the intersection with the production southerly of the easterly boundary of the Township of Mason;

THENCE northerly along that production and the easterly boundary of the Township of Mason to the intersection with the high water mark on the northerly shore of the North Channel of the French River;

THENCE in a general easterly direction following the said high water mark to the line between lots 10 and 11, Concession V, in the Township of Scollard;

THENCE northerly along the line between lots 10 and 11, Concession V, in the Township of Scollard, to the southerly boundary of the Township of Falconer;

THENCE easterly along the southerly boundary of the Township of Falconer to the southeasterly corner of Lot 5, Concession I, in the Township of Falconer;

THENCE northerly along the line between lots 4 and 5, concessions I, II, III, IV, V and VI, to the northerly boundary of the Township of Falconer;

THENCE westerly along the northerly boundaries of the townships of Falconer, Martland and Cosby to the point of commencement.



## CHAPTER 69

**An Act respecting  
the Kinsmen Club of Kenora**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The letters patent dated the 30th day of March, 1951, granting to Kinsmen Club of Kenora the public lands described therein (being composed of the location designated as L.K. 551 lying south of the Township of Haycock between the Trans-Canada Highway and the north shore of Longbow Lake in the Territorial District of Kenora) are amended by striking out the habendum, which reads, "To have and to hold unto the said Kinsmen Club of Kenora as a community camp to be operated on a non-sectarian, non-profit making basis only", and inserting in lieu thereof the condition: "It is a condition of these letters patent that the land shall be used only as a community camp operated on a non-sectarian and non-profit basis". Letters  
patent  
amended

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Kinsmen Club of Kenora Act, 1962-63*. Short title



## CHAPTER 70

## An Act to amend The Labour Relations Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 202,  
amended

47a.—(1) In this section,

Interpre-  
tation

(a) “business” includes a part or parts thereof;

(b) “sells” includes leases, transfers and any other manner of disposition, and “sold” and “sale” have corresponding meanings.

(2) Where an employer who is bound by or is a party to a collective agreement with a trade union or on behalf of whose employees a trade union has been certified as bargaining agent or has given or is entitled to give notice under section 11 or 40 sells his business, the trade union continues, until the Board otherwise directs, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11. Successor  
employer

(3) Where a business was sold to a person and a trade union was the bargaining agent of any of the employees in such business or a trade union is the bargaining agent of the employees in any business carried on by the person to whom the business was sold, and, Powers of  
Board

(a)

- (a) any question arises as to what constitutes the like bargaining unit referred to in subsection 2; or
- (b) any person or trade union claims that, by virtue of the operation of subsection 2, a conflict exists between the bargaining rights of the trade union that represented the employees of the predecessor employer and the trade union that represents the employees of the person to whom the business was sold,

the Board may, upon the application of any person or trade union concerned,

- (c) define the composition of the like bargaining unit referred to in subsection 2 with such modification, if any, as the Board deems necessary; and
- (d) amend, to such extent as the Board deems necessary, any bargaining unit in any certificate issued to any other union or any bargaining unit defined in any collective agreement.

Idem

- (4) The Board may, upon the application of any person or trade union concerned made within thirty days after the trade union has given a notice under subsection 2, terminate the bargaining rights of the trade union that has given notice if, in the opinion of the Board, the person to whom the business was sold has changed its character so that it is substantially different from the business of the predecessor employer.

Idem

- (5) Where a business was sold to a person who carries on one or more other businesses and a trade union is the bargaining agent of the employees in any of the businesses and such person intermingles the employees of one of the businesses with those of another of the businesses, the Board may, upon the application of any person or trade union concerned,
  - (a) determine whether the employees concerned constitute one or more appropriate bargaining units;
  - (b) declare which trade union or trade unions, if any, shall be the bargaining agent or agents for the employees in such unit or units; and

(c)



(c) amend, to such extent as the Board deems necessary, any certificate issued to any trade union or any bargaining unit defined in any collective agreement.

- (6) Where a trade union is declared to be the bargaining agent under subsection 5, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11. Notice to bargain
- (7) Before disposing of any application under this section, the Board may make such inquiry, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it deems appropriate. Powers of Board before disposing of application
- (8) Where an application is made under this section, an employer is not required, notwithstanding that a notice has been given by a trade union, to bargain with that trade union concerning the employees to whom the application relates until the Board has disposed of the application and has declared which trade union, if any, has the right to bargain with the employer on behalf of the employees concerned in the application. Where employer not required to bargain
- (9) For the purposes of sections 5, 43, 46 and 96, a notice given by a trade union under subsection 2 or a declaration made by the Board under subsection 5 has the same effect as a certification under section 7. Effect of notice or declaration

**2.** Section 4 of *The Labour Relations Amendment Act, 1961-62* is repealed. 1961-62, c. 68, s. 4, repealed

**3.** This Act may be cited as *The Labour Relations Amendment Act, 1962-63*. Short title



## CHAPTER 71

**An Act to amend  
The Lakes and Rivers Improvement Act**

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 203, s. 9,  
re-enacted

9.—(1) No person shall construct a dam on any lake or river, <sup>Approvals</sup>

(a) until the location of the dam has been approved in writing by the Minister; and

(b) until the plan and specifications thereof have been approved in writing by the Minister.

(2) An application for approval of the location of a dam shall be made in writing to the Minister and shall be accompanied by, <sup>Application for approval of location</sup>

(a) a sketch showing the proposed location of the dam, the area to be flooded and the lands of persons other than the applicant that may be affected by the flooding;

(b) a statement showing the purpose, size and type of the dam, whether the dam will be of a temporary or permanent nature and the quantity of water, if any, to be taken from the headpond; and

(c) such other particulars as the Minister requires.

(3) Where it appears expedient in the public interest, the Minister may refuse to give his approval of the location of the dam. <sup>Approval of dam</sup>

(4)

Application  
for approval  
of plans, etc.

- (4) When the location of a dam has been approved by the Minister, an application for approval of the plan and specifications of the dam may be made in writing to the Minister and shall be accompanied by,

- (a) three copies of the plan and specifications and a report showing full details of the construction of the sluice-gates, spillways and other works connected with the dam and the height at which the water is to be held;
- (b) a map showing the location and size of the watershed above the dam, the extreme high water mark and the normal regulated water level;
- (c) particulars as to the nature of the bottom or foundation on which the dam is to be constructed with reports of all boring or test pits;
- (d) such other particulars as the Minister requires.

Approval  
of plans  
of dams

- (5) The Minister may approve the plan and specifications of a dam as submitted to him or may approve them with such alterations as he deems advisable, and, without limiting the generality of the foregoing, may require that the dam shall be provided with a fishway that will permit the free and unobstructed passage of fish.

Exception

- (6) Nothing in this section prevents or applies to the construction of an emergency dam where such construction is considered necessary for the prevention of loss or damage to property, but in such case the owner shall immediately give notice to the Minister that he is proceeding with the construction of the dam and shall thereafter comply with any directions of the Minister as to the precautions to be taken in maintaining the dam or its removal when the purpose for which it was constructed has been served.

Disputes as  
to user

- 9a.—(1) Where a dam is under construction or has been constructed on a lake or river and the location or the plan and specifications thereof have not been approved by the Minister or an emergency dam has been constructed and the owner thereof has not given notice to the Minister under section 9, the Minister may appoint an officer or officers with such powers and duties as are deemed expedient to be in charge of the lake or river or any works or improvements

thereon



thereon and to regulate the use of the lake or river or any works or improvements thereon in such manner as seems best calculated to afford to persons having conflicting interests on the lake or river a fair and reasonable use of the waters of the lake or river, but, where any alteration of the level of international boundary waters is involved, such regulation, powers and duties shall conform to any order or recommendation that the International Joint Commission may make under the terms and authority of the International Boundary Waters Treaty between Great Britain and the United States.

- (2) The Minister may order the owner of a dam under subsection 1 to repair, reconstruct or remove the dam within the time specified in the order and, upon non-compliance with the order within the time limited, the Minister may do or cause to be done whatever is necessary, and the cost of any such work, as certified by him, is a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction. Order to remove, etc.

2. Subsection 1 of section 11 of *The Lakes and Rivers Improvement Act* is amended by striking out "2" in the eighth line and inserting in lieu thereof "4", so that the subsection shall read as follows: R.S.O. 1960, c. 203, s. 11, subs. 1, amended

- (1) Where a dam has heretofore been or is hereafter constructed in a lake or river and an engineer or other officer of the Department reports that by reason of the construction or condition of the dam water may be held, released or diverted in sufficient volume to cause personal injury or damage to property, the Minister may require the owner of the dam to furnish within a given time the plans and other particulars mentioned in subsection 4 of section 9. Requiring production of plans on report of engineer

3. *The Lakes and Rivers Improvement Act* is amended by adding thereto the following section: R.S.O. 1960, c. 203, amended

- 22a. The Minister, an engineer and every officer, servant or agent of the Minister has the right, while in the performance of his duties under this Act, to enter into and upon any lands and premises, other than a private dwelling, store, storehouse, office or farm building. Right to enter on premises

4. Section 26 of *The Lakes and Rivers Improvement Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 203, s. 26, amended

Duty of  
persons  
driving  
timber

- (5) All persons floating timber down a lake or river shall keep the timber under control and shall recover and remove from the lake or river any timber that drifts out of control or causes an obstruction or hazard in the lake or river.

Obstruc-  
tions, etc.

- (6) Where the Minister deems it necessary or expedient in the public interest so to do, he may order the owner of or the person who was responsible for driving any timber that has drifted out of control or that has caused an obstruction or hazard in a lake or river to recover and remove the timber within the time specified in the order, and in default thereof the Minister may cause the timber to be recovered and removed, and the cost thereof, as certified by him, is a debt due to the Crown by such owner or person and is recoverable in any court of competent jurisdiction.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Lakes and Rivers Improvement Amendment Act, 1962-63*.

## CHAPTER 72

## An Act to amend The Land Titles Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 9 of *The Land Titles Act*, as re-enacted by section 6 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out "barrister or solicitor to be the" in the second line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 204, s. 9,  
subs. 2  
(1961-62,  
c. 70, s. 6)  
amended

(2) The Lieutenant Governor in Council may appoint a senior deputy master of titles, and the person so appointed shall act under the supervision of the master of titles or shall act as master of titles in the absence of the master of titles, and, when acting in the absence of the master of titles, the senior deputy master of titles has and may exercise and perform the powers and duties of the master of titles.

Senior  
deputy  
master  
of titles

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Land Titles Amendment Act, 1962-63*.

Short title





## CHAPTER 73

**An Act respecting the  
Assessment of the Town of Leamington**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The assessment roll for the Town of Leamington prepared in the year 1962 is hereby set aside. <sup>Assessment roll set aside</sup>
2. The assessor of the Town of Leamington shall prepare in the year 1963 an assessment roll in accordance with *The Assessment Act* and shall return the roll to the clerk of the Town on or before the 15th day of May, 1963. <sup>Preparation of new roll R.S.O. 1960, c. 23</sup>
3. The same rights of appeal as apply under *The Assessment Act* with respect to the assessment roll set aside apply with respect to the assessment roll prepared under section 2, except that the dates specified in that Act for the hearing and determination of such appeals shall be extended for a period corresponding to the period of time between the return of the roll set aside and the return of the roll prepared under section 2. <sup>Appeals</sup>
4. The assessment roll prepared and returned by the assessor under section 2 shall be deemed to be the assessment roll for the Town of Leamington prepared and returned in the year 1962. <sup>Deemed 1962 roll</sup>
5. The time within which the council of The Corporation of the County of Essex may examine the assessment rolls prepared in the year 1962 and pass the equalization by-law mentioned in section 94 of *The Assessment Act* is extended to the 1st day of September, 1963. <sup>Equalization</sup>
6. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>
7. This Act may be cited as *The Town of Leamington Assessment Act, 1962-63*. <sup>Short title</sup>



## CHAPTER 74

## An Act to amend The Line Fences Act

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 1 of *The Line Fences Act* is amended by striking out "and if a by-law is passed it is the duty of the clerk of the township to send forthwith a true copy of it to the Department of Municipal Affairs" in the fourth, fifth and sixth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 216, s. 1,  
subs. 3,  
amended

(3) This Act applies *mutatis mutandis* to unoccupied land as well as to occupied land in any township in a county or district if the council of the township passes a by-law declaring that this Act so applies.

By-law  
making Act  
apply to  
unoccupied  
lands in  
township

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Line Fences Amendment Act, 1962-63*.

Short title





## CHAPTER 75

## An Act to amend The Local Improvement Act

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *n* of subsection 1 of section 2 of *The Local Improvement Act* is amended by striking out "on petition only" in the first line, so that the clause shall read as follows: R.S.O. 1960,  
c. 223, s. 2,  
subs. 1,  
cl. *n*,  
amended

(*n*) constructing and erecting, on any street or part of a street, equipment, plant and works for the purpose of supplying electric light or power, including standards and underground conduits and wires, to the extent to which the cost of the same exceeds the cost of the equipment, plant and works that would otherwise be provided at the expense of the corporation at large.

2. Section 8 of *The Local Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 223, s. 8,  
amended

(3a) Instead of publishing a notice as provided in subsection 3, the notice (Form 2) may be sent by pre-paid mail to every owner appearing by the last revised assessment roll to be the owner of property that will abut on the work and by publication at least once of the notice (Form 2), and any owner may, within twenty-one days after the publication or mailing of the notice, whichever is the later, file with the clerk his objection to the work being undertaken. Mailing of  
notice

3. Form 2 of *The Local Improvement Act* is amended by striking out paragraph 3 and inserting in lieu thereof the following: R.S.O. 1960,  
c. 223,  
Form 2,  
amended

3. Application will be made by the Corporation to the Ontario Municipal Board for its approval of the undertaking of the work and,

- (a) where this Form is published under subsection 3 of section 8 of *The Local Improvement Act*, any owner may within twenty-one days after the first publication of this notice file with the clerk his objection to the work being undertaken; or
- (b) where this Form is mailed and published under subsection 3a of the said section 8, any owner may within twenty-one days after the publication or mailing of the notice, whichever is later, file with the clerk his objection to the work being undertaken.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Local Improvement Amendment Act, 1962-63*.

## CHAPTER 76

# An Act to provide for the Safety of Workmen engaged in Logging

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Labour;
- (b) "logger" means a person who engages in logging, and includes an operator;
- (c) "logging" means the operation of felling or trimming trees or the storing, transporting or floating of logs;
- (d) "officer" means the chief officer or any other officer appointed to enforce this Act and the regulations;
- (e) "operator" means a person who engages in logging as an owner, employer, manager, superintendent or partner in such enterprise;
- (f) "regulations" means the regulations made under this Act.

**2.—(1)** Except as provided by the regulations, this Act <sup>Application of Act</sup> applies,

- (a) to every person engaged in logging, including logging by the Crown, any agency of the Crown and any municipality as defined in *The Department of Municipal Affairs Act*; and <sup>R.S.O. 1960, c. 98</sup>
- (b) to every person engaged in the installation, maintenance, repair or operation of any equipment or device used in logging.

**(2)** This Act does not apply to logging being done in person and solely by an individual on his own behalf. <sup>Where Act does not apply</sup>

Appointment  
of officers

3. The Lieutenant Governor in Council may appoint a chief officer and one or more officers to enforce this Act and the regulations.

Power of  
entry

4. An officer may enter any land, building or other premises at any reasonable hour for the purpose of carrying out his duties under this Act.

Obstructing  
officer, false  
information

5.—(1) No person shall obstruct an officer in the performance of his duties or furnish him with false or misleading information.

Facilitating  
inspection

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an officer in the exercise of his powers and the carrying out of his duties under this Act.

Stop-work  
orders

6.—(1) Where an officer is of the opinion that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener such order in writing as he deems necessary to ensure compliance with this Act and the regulations, and such order shall specify that it shall be carried out forthwith or before the expiry of such period as is specified therein, and,

(a) where the order specifies that it be carried out forthwith, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or

(b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

Penalty

(2) Every person to whom an order of an officer is directed who contravenes or knowingly permits any person under his direction or control to contravene such order or to carry on work in contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for every day upon which the contravention continues.

Responsi-  
bility of  
employer

7.—(1) Subject to subsection 2, every operator,

(a) shall ensure to the best of his ability that every logger in his employ knows and complies with this Act and the regulations, and that a copy or abstract thereof is maintained reasonably available to him; and

(b)



- (b) shall take every precaution that is reasonable in the circumstances to ensure his loggers' safety.

(2) Without in any way relieving the operator of his responsibility under subsection 1, every supervisor and foreman shall so supervise the loggers under his supervision that no such logger works in an unsafe manner or in any unsafe circumstance. <sup>Supervision of loggers</sup>

8.—(1) Every logger shall use the safeguards, equipment and devices furnished for his protection. <sup>Responsibility of logger</sup>

(2) No person shall move, alter or destroy any safeguard, equipment or device furnished for the protection of a logger without the permission of the operator. <sup>Moving, altering, etc., of safeguard</sup>

(3) No logger shall use any equipment or device or so conduct himself as to endanger his safety or that of any other person. <sup>Responsibility of logger</sup>

9.—(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a logger whereby he is prevented or is likely to be prevented for more than three days from working, a notice of the occurrence in the prescribed form shall be delivered or mailed to the chief officer by the operator. <sup>Notice of accidents</sup>

(2) Such notice shall be delivered or mailed during or upon the termination of the period of three days referred to in subsection 1. <sup>When notice to be sent</sup>

(3) A true copy of the notice mentioned in section 115 of *The Workmen's Compensation Act* may be delivered or mailed to the chief officer in lieu of the prescribed form mentioned in subsection 1. <sup>Alternative notice R.S.O. 1960, c. 437</sup>

10.—(1) Where a logger is killed or critically injured, <sup>Fatal accidents and critical injuries</sup>

(a) the operator shall forthwith notify an officer by telephone, telegram or other direct means of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence; and

(b) no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy or carry away, or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an officer.

Where  
subs. 1, cl. b,  
does not  
apply

(2) Clause *b* of subsection 1 does not apply where the occurrence took place on a public highway or private road and was investigated by a constable or other police officer.

Renting,  
etc., of  
logging  
equipment

**11.** No person shall provide any machine, vehicle, tool or any equipment or any part thereof for use by a logger under any rental, leasing or other arrangement if the machine, vehicle, tool, equipment or part is in an unsafe condition.

Minimum  
age of  
logger

**12.** No person under the age of sixteen years shall be employed in logging.

General  
penalty

**13.** Every person who contravenes any provision of this Act or the regulations is guilty of an offence under this Act and on summary conviction, where a penalty for such offence is not otherwise provided, is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both.

Regulations

**14.—(1)** The Lieutenant Governor in Council may make such regulations as in his opinion are necessary or advisable to ensure the safety of loggers.

Idem

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

- (a) exempting defined classes of logging from this Act or any designated part thereof;
- (b) providing for and prescribing fees;
- (c) defining any expression used in this Act;
- (d) requiring and prescribing the notices in one or more languages that shall be posted by operators;
- (e) prescribing the records that shall be kept by operators;
- (f) prescribing forms and providing for their use.

Commence-  
ment

**15.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**16.** This Act may be cited as *The Loggers' Safety Act*, 1962-63.

## CHAPTER 77

## An Act to amend The Logging Tax Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Logging Tax Act* is amended by striking out “9” in the second line and inserting in lieu thereof “10”, so that the subsection shall read as follows: R.S.O. 1960, c. 224, s. 2, subs. 1, amended

(1) Every taxpayer shall for every taxation year pay a Tax tax of 10 per cent on the income in excess of \$10,000 that he derives during such year from logging operations.

(2) Subsection 2 of the said section 2 is amended by striking out “9” in the third line and inserting in lieu thereof “10”, so that the subsection shall read as follows: R.S.O. 1960, c. 224, s. 2, subs. 2, amended

(2) There may be deducted from the tax otherwise payable by a taxpayer under this section for a taxation year an amount equal to 10 per cent of that portion of his income from logging operations in excess of \$10,000 that is earned in the taxation year outside Ontario. Deduction from tax

(3) Subsections 4 and 5 of the said section 2 are repealed and the following substituted therefor: R.S.O. 1960, c. 224, s. 2, subs. 4, 5, re-enacted

(4) For the purposes of determining liability to taxation under this Act, all logging operations owned, leased, worked or operated by the same taxpayer, or the income from which accrues to the same taxpayer, shall be deemed to be and be dealt with as one and the same logging operation and not as separate logging operations. Operations by same taxpayer

(5) Where logging operations are carried on by two or more affiliated or associated corporations that are under the same general control, or where the income Affiliated corporations

of such corporations accrues for the benefit of substantially the same shareholders, the income derived from logging operations by each of such corporations shall be determined in accordance with sections 3 and 4, and the incomes thereof, after having been so determined, shall be combined and dealt with for the purpose of section 2 as though they were the income of one and the same taxpayer.

R.S.O. 1960,  
c. 224, s. 4,  
cl. d,  
subcl. iii,  
amended

**2.** Subclause iii of clause d of section 4 of *The Logging Tax Act* is amended by striking out "taxable" in the tenth line and by striking out "Part III" in the twelfth line and inserting in lieu thereof "Divisions A and B of Part III".

Application  
of Act

**3.** This Act applies in respect of the taxation years of taxpayers commencing on and after the 1st day of January, 1962.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Logging Tax Amendment Act, 1962-63*.



## CHAPTER 78

**An Act to provide for Inspection of Meat  
for Human Consumption**

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,**Interpre-  
tation**

- (a) "animal" means a domestic animal the meat of which is intended to be used for human consumption, and includes poultry;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "establishment" means an establishment operating under the *Meat Inspection Act* (Canada); 1955, c. 36  
(Can.)
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means the Minister of Agriculture;
- (f) "plant" means a premises where animals are slaughtered;
- (g) "poultry" means chickens, ducks, geese, turkeys and other birds;
- (h) "regulations" means the regulations made under this Act;
- (i) "slaughter" means slaughter for the purpose of processing meat into food for human consumption.

**2.—(1)** Except as provided in the regulations, no person shall slaughter an animal unless the animal has been inspected by an inspector immediately before the time of slaughter. Slaughtering  
of animals

Sale, etc.,  
of meat

(2) Except as provided in the regulations, no person shall sell, offer for sale, transport or deliver to any person meat unless,

- (a) the animal from which the meat was obtained was inspected by an inspector as provided in subsection 1;
- (b) the slaughter of the animal took place at a plant that complies with this Act and the regulations, or at an establishment; and
- (c) the meat is stamped with an inspection legend or is labelled, as provided in the regulations.

Licensing

**3.**—(1) No person shall engage in the business of operating a plant other than an establishment without a licence therefor from the Commissioner.

Refusal to  
issue licence

(2) The Commissioner may, after a hearing, refuse to issue a licence under subsection 1 for any reason that he deems proper.

Appeal

(3) Any person to whom the Commissioner has refused to issue a licence under subsection 2 may appeal the decision of the Commissioner to the Minister, and the Minister may confirm the decision or order the licence to be issued.

Inspectors

**4.**—(1) The Minister may appoint a chief inspector and such other inspectors as he deems necessary to carry out and enforce this Act and the regulations.

Certificate  
of appoint-  
ment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Powers

(3) For the purpose of carrying out his duties under this Act, the Commissioner or an inspector may enter any premises or building and may inspect the premises or building and any animal or meat therein.

Obstruction  
of Commis-  
sioner or  
inspector

**5.** No person shall hinder or obstruct the Commissioner or an inspector in the course of his duties or furnish him with false information, or refuse to furnish him with information.

Agreements  
with Canada

**6.** Subject to the approval of the Lieutenant Governor in Council, the Minister may enter into agreements with the Government of Canada, or any agency thereof, providing for,

(a)

- (a) the more efficient carrying out within Ontario of the purpose and intent of this Act;
- (b) the performance by the Government of Canada, on behalf of the Government of Ontario, of functions and services under this Act that are the responsibility of the Government of Ontario; and
- (c) the payment of money required for functions and services performed by the Government of Canada under clause *b*.

7. Where the provisions of any by-law of a local municipality are in conflict with this Act or the regulations, the provisions of this Act and the regulations prevail. Conflict with by-law of local municipality

8.—(1) Every medical officer of health is *ex officio* an inspector under this Act within the area under his jurisdiction. Medical officer of health, *ex officio* inspector

(2) A person appointed by the council of a local municipality or by a health unit as an inspector under the direction of the medical officer of health of the local municipality or health unit, as the case may be, is *ex officio* an inspector under this Act within the area under the jurisdiction of the medical officer of health. Municipal inspectors

9. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both fine and imprisonment, and for a subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both fine and imprisonment. Offences

10. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences and prescribing the fees payable for licences or the renewal thereof;
- (b) prescribing conditions for licensing;
- (c) prescribing the powers and duties of the Commissioner and of inspectors or any class thereof;
- (d) respecting the facilities and equipment to be provided and maintained at plants and the operation of plants;

(e)

- (e) respecting cleanliness and sanitation at plants;
- (f) requiring and governing the detention and disposal of any animal or meat thereof and prescribing the procedures therefor;
- (g) prescribing the records to be made and kept by operators of plants;
- (h) providing for the exemption from the Act or the regulations, or any provision thereof, of any person or class of persons, or of any animal or class of animals and the meat thereof, and prescribing the terms and conditions therefor;
- (i) prescribing the terms and conditions under which animals and meat may be inspected at any plant and the fees payable for inspections;
- (j) providing for the stamping with an inspection legend at a plant of meat that is fit for human consumption;
- (k) providing for the labelling at a plant of meat that is fit for human consumption;
- (l) prescribing forms and providing for their use;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**11.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**12.** This Act may be cited as *The Meat Inspection Act (Ontario)*, 1962-63.



## CHAPTER 79

## An Act to amend The Mechanics' Lien Act

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 19 of *The Mechanics' Lien Act* is repealed. R.S.O. 1960, c. 233, s. 19, subs. 2, repealed
2. Subsection 3 of section 25 of *The Mechanics' Lien Act* is repealed. R.S.O. 1960, c. 233, s. 25, subs. 3, repealed
3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement
4. This Act may be cited as *The Mechanics' Lien Amendment Act, 1962-63*. Short title



## CHAPTER 80

## An Act to amend The Medical Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 33 and 34 of *The Medical Act* are repealed and the following substituted therefor: R.S.O. 1960  
c. 234,  
ss. 33, 34,  
re-enacted

33.—(1) In this section and in sections 34 to 41c, Interpre-  
tation  
“member” means a medical practitioner registered on any register now or hereafter maintained by the College pursuant to this Act.

(2) A member of the College who is alleged to be guilty of professional misconduct is subject to the disciplinary action and liable to the penalties hereinafter provided. Members  
liable to  
disciplinary  
action

(3) A member is guilty of professional misconduct, What  
constitutes  
professional  
misconduct

(a) if he has been convicted in Canada of an indictable offence, or elsewhere of an offence that, if committed in Canada, would be an indictable offence, upon proof of such conviction;

(b) if his rights or privileges under the *Narcotics Control Act* (Canada) or the *Food and Drug Act* (Canada) or the regulations under either of them have been restricted or withdrawn, upon proof thereof; or 1960-61,  
c. 35 (Can.)  
1962-63,  
c. 38 (Can.)

(c) if he has been guilty, in the opinion of the discipline committee or Council, of misconduct in a professional respect or of conduct unbecoming a medical practitioner.

Where  
inquiry  
to be made

- (4) Except in cases under subsection 5, the Council or the executive committee thereof may direct that an inquiry be made by the discipline committee into any alleged professional misconduct, and, upon the written application of any four members of the College setting forth particulars of any alleged professional misconduct, an inquiry shall be directed, if in the opinion of the Council or the executive committee there appears to be sufficient evidence of professional misconduct to warrant the making of an inquiry.

Erasure of  
name upon  
conviction  
for criminal  
offence in  
connection  
with  
practice

- (5) In the case of a conviction after registration under this Act for a criminal offence committed in connection with the practice of his profession, the member shall be deemed to be guilty of professional misconduct and his name shall be erased from the register by the registrar forthwith upon proof of such conviction.

Discipline  
committee

- 34.—(1) The Council shall appoint five members of the Council as a committee to be known as the discipline committee for the purpose of exercising the disciplinary functions designated by this Act.

Quorum

- (2) Three members of the discipline committee constitute a quorum, whether or not a vacancy exists on the committee.

Vacancies,  
etc.

- (3) In the case of a vacancy in the membership of the discipline committee or if a member is unable or unwilling to act as the result of illness or for any other reason, the president or, in his absence, the vice-president may appoint a member in his place.

By-laws

- (4) The Council may make by-laws governing the tenure of office of members of the discipline committee, the appointment of a chairman, the summoning and conduct of its meetings, and the practice and procedure and the transaction of business thereat.

Meeting  
place;  
assistance

- (5) The College shall provide the discipline committee with a suitable place for holding its meetings, the services of counsel and a reporter, and such other assistance as is necessary or proper to enable it to properly perform its duties.

R.S.O. 1960,  
c. 234,  
ss. 36-41,  
re-enacted

2. Sections 36 to 41 of *The Medical Act* are repealed and the following substituted therefor:



36. The discipline committee shall,

Function of  
discipline  
committee  
in  
disciplinary  
matters

- (a) inquire into the conduct of any member when so directed by the Council or the executive committee thereof;
- (b) hold hearings into charges made against members in accordance with the practice and procedure prescribed by the by-laws;
- (c) inquire into and report to the Council upon an application by a former member to have his name restored to the register; and
- (d) perform such other duties as are assigned to it by the Council.

37.—(1) The registrar shall cause a notice to be served upon the person whose conduct is the subject of inquiry at least two weeks before the hearing, and the notice shall embody a copy of the charges made against him or a statement of the subject-matter of the inquiry, and shall also specify the time and place of the hearing.

Notice of  
hearing

(2) The notice required by subsection 1 shall be deemed to have been duly served if sent by registered mail to the address of the person required to be served, as last known to the registrar, and proof of such service may be made by affidavit.

Service of  
notice

(3) Upon a hearing, the member whose conduct is the subject of the inquiry is entitled to be present and to be represented by counsel.

Counsel

(4) Where a member fails to attend a hearing after receiving due notice thereof, the discipline committee may, upon proof of service of such notice, proceed with the inquiry in his absence without further notice to such member.

When  
hearing  
may proceed

38.—(1) Any person who would be a competent and compellable witness at the trial of a civil action in Ontario is a competent and compellable witness at a hearing of the discipline committee, and the evidence adduced thereat shall be governed by *The Evidence Act* and the rules of evidence in civil proceedings in Ontario, except that,

Witnesses  
and  
evidence

R.S.O. 1960,  
c. 125

(a)

- (a) where any matter is tendered as evidence that would not be admissible as such at the trial of a civil action in Ontario, the committee may receive such evidence if it is satisfied that its duty of making due inquiry into the case before it makes its reception desirable; and
- (b) any letter, statement, prescription, certificate, record or other document purporting to be signed by a registered medical practitioner and any account for professional services that is on an account form bearing his name is *prima facie* evidence that the document was signed or, in the case of an account, was authorized by him, and is *prima facie* evidence of the statements contained in the document or account.

## Subpoenas

- (2) The College and the member whose conduct is the subject of an inquiry may, without leave or order, obtain from the Supreme Court a subpoena commanding the attendance and examination of any witness and also the production of any document, the production of which could be compelled at the trial of an action, to and before the discipline committee at the time and place mentioned in the subpoena, and disobedience to the subpoena shall be deemed a contempt of court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the Supreme Court.

## Testimony under oath, etc.

- (3) The testimony of witnesses at hearings of the discipline committee shall be taken under oath to be administered by the chairman or other member of the committee, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and reply.

## Further functions of discipline committee

- 39.—(1) Where after a hearing the discipline committee finds that a member is guilty of professional misconduct, it may,
  - (a) suspend the member for a period not exceeding three months from the register on which he is registered;
  - (b) direct that the member be reprimanded and, if deemed warranted, that the fact of such reprimand be recorded on the register;

(c)

(c) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as it may designate, and that, upon compliance with the terms, any penalty be remitted;

(d) direct that the member pay to the College the costs of and incidental to the inquiry, which may include the cost of reporting and transcribing the evidence.

(2) The costs shall be taxed on the Supreme Court scale <sup>Costs to be taxed</sup> by the taxing officer of the Supreme Court at Toronto, upon whose certificate execution may issue out of the Supreme Court for the collection of such costs by the College, as upon a judgment in an action in such court.

(3) Where the discipline committee is of the opinion <sup>Reference to Council</sup> that the name of the member should be erased or that the term of suspension should exceed three months, it shall make a report of the facts and its findings and recommendations thereon to the Council, and may therewith transmit a transcript of the evidence taken at its inquiry.

40.—(1) The powers and duties of the Council in disciplinary matters are, <sup>Function of Council in disciplinary matters</sup>

(a) to receive and record reports of the discipline committee in respect of cases that have been completely dealt with by the committee and from which no appeal has been taken;

(b) to receive and consider reports of the discipline committee,

(i) in cases in which the committee is of the opinion that the penalty imposed should be the erasure of the name of the member, or that he should be suspended as a member for a period in excess of three months,

(ii) in cases of appeal from the decision of the committee,

(iii) in applications for restoration of a member's name to the register,

and

and to make such findings and orders in respect thereof and impose such penalties as the Council considers proper.

Idem

- (2) The Council may act upon the report of the discipline committee or may require that it be furnished with a transcript of the evidence taken, and may refer the matter back to the committee to take additional evidence.

Idem

- (3) The Council may impose upon a member any penalty that the discipline committee is authorized to impose or may direct that the name of the member concerned be erased from the register or that he be suspended as a member for such period as the Council considers proper.

Idem

- (4) The Council may direct that the restoration of the name of a member to the register be subject to the payment by the member of such fee, not exceeding the initial registration fee, as the Council specifies.

Appeals

- 41.—(1) Any member aggrieved or any two members of the Council may appeal to the Council from any decision or order of the discipline committee, and any member aggrieved may appeal to the Court of Appeal from any decision or order of the Council at any time within thirty days from the date of the decision or order complained of, and the Council or the Court of Appeal, as the case may be, may upon the hearing of such appeal make such order in the matter and as to the costs of the hearing of the appeal as the Council or the Court of Appeal deems proper.

Idem

- (2) The appeal may be by motion, notice of which shall be served upon the registrar, and shall be founded upon a copy of the proceedings before the discipline committee, the evidence taken, the committee's report and the orders of the committee and of the Council in the matter, certified by the registrar, and the registrar shall, upon the request of any member desiring to appeal and upon payment of the cost thereof, furnish such member with a certified copy of all proceedings, evidence, reports, orders and papers upon which the committee and the Council have acted in making the decision or order complained of, but, in the case of an appeal by two members of the Council, the registrar shall furnish the material without charge.



41a.—(1) The registrar in disciplinary matters shall, Function of registrar in disciplinary matters

(a) erase from the register the name of a member whose name the Council has directed to be erased, and shall record the date of the erasure;

(b) enter on the register,

(i) the suspension of a member whose registration the committee or the Council has directed to be suspended,

(ii) the fact that a member was reprimanded, in cases in which the committee or the Council has directed that such reprimand be recorded on the register,

stating the date of the order of suspension or reprimand and the period of suspension;

(c) enter on the register the date and terms of any order made by the Court of Appeal and comply with its terms.

(2) The registrar shall not make such erasure or entry Idem until the time for appeal from the decision or order has expired without an appeal being taken or, if taken, has been disposed of.

41b. No action shall be brought against the College or any officer thereof or any member of the Council Actions against College, etc., barred for or in respect of anything done in good faith under this Act.

41c. While the name of any member is erased, or during Practise during suspension prohibited his suspension from membership, it is unlawful for him to engage in the practice of medicine, surgery or midwifery and he shall during such period be deemed to be unregistered, and, if he practises medicine, surgery or midwifery during such period, he is guilty of an offence and on summary conviction is liable to the penalties prescribed by this Act relating to practise by unregistered persons.

3. Sections 51 and 52 of *The Medical Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 234, ss. 51, 52, re-enacted

51. No person not registered shall practise medicine, surgery or midwifery for hire, gain or hope of reward, and, if any person not registered pursuant to this Penalty for practising medicine without registration Act, for hire, gain or hope of reward, practises or professes to practise medicine, surgery or midwifery,

or advertises to give advice in medicine, surgery or midwifery, he is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$500, for the second offence to a fine of not less than \$200 and not more than \$1,000, and for any subsequent offence to a fine of \$1,000 and not more than six months imprisonment.

Penalty for  
pretending  
to be  
physician

52. Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner, or assumes any title, addition or description other than he actually possesses and is legally entitled to, is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$500, for the second offence to a fine of not less than \$200 and not more than \$1,000, and for any subsequent offence to a fine of \$1,000 and not more than six months imprisonment.

R.S.O. 1960,  
c. 234, s. 53,  
subs. 1,  
re-enacted

4. Subsection 1 of section 53 of *The Medical Act* is repealed and the following substituted therefor:

Penalty for  
unauthorized  
use of title

- (1) Any person not registered pursuant to this Act who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur or a licentiate in medicine, surgery or midwifery, or who assumes, uses or employs the title "Doctor", "Surgeon" or "Physician" or any affix or prefix indicative of such titles as an occupational designation relating to the treatment of human ailments or physical defects, or advertises or holds himself out as such, is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$500, for the second offence to a fine of not less than \$200 and not more than \$1,000, and for any subsequent offence to a fine of \$1,000 and not more than six months imprisonment.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Medical Amendment Act, 1962-63*.

## CHAPTER 81

## An Act to amend The Mental Hospitals Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *q* of section 1 of *The Mental Hospitals Act* is amended by adding at the end thereof "but does not include a person remanded for observation under the *Criminal Code* (Canada)", so that the clause shall read as follows:

(*q*) "patient" means a person admitted under this Act and the regulations to an institution, but does not include a person remanded for observation under the *Criminal Code* (Canada).

R.S.O. 1960,  
c. 236, s. 1,  
cl. *q*,  
amended  
1953-54,  
c. 51 (Can.)

2. Subsection 2 of section 5 of *The Mental Hospitals Act* is amended by adding thereto the following clause:

(*na*) providing for the operation, maintenance and management of industrial rehabilitation centres, including the entering into and carrying out of contracts for,

(i) the purchase of goods, wares and merchandise for use therein,

(ii) the sale of goods, wares and merchandise prepared or manufactured therein, and

(iii) supplying services to be performed therein,

prescribing the remuneration to be paid or credited to patients employed in such centres, and prescribing the classes of patients that may be employed therein.

3. Clause *d* of section 19 of *The Mental Hospitals Act*, as amended by section 2 of *The Mental Hospitals Amendment Act, 1961-62*, is further amended by striking out "or the *Criminal Code* (Canada)" in the amendment of 1961-62, so that the clause shall read as follows:

(d)

- (d) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations.

R.S.O. 1960,  
c. 236,  
amended

**4.** *The Mental Hospitals Act* is amended by adding thereto the following section:

Admission  
on remand  
1953-54,  
c. 51 (Can.)

19a. Any person who is remanded to an institution by any remanding authority under the *Criminal Code* (Canada) may be admitted to that institution.

R.S.O. 1960,  
c. 236, s. 28,  
subss. 4, 5,  
re-enacted

**5.** Subsections 4 and 5 of section 28 of *The Mental Hospitals Act* are repealed and the following substituted therefor:

Apprehen-  
sion without  
warrant

- (4) Any person apparently mentally ill or mentally defective and conducting himself in a manner that in a normal person would be disorderly may be apprehended without a warrant by any peace officer and,

(a) conveyed to a hospital in accordance with section 28a; or

(b) detained in some safe and comfortable place until the question of his mental condition is determined as prescribed by section 31.

Proceedings  
on apprehen-  
sion

- (5) Where the person alleged to be mentally ill or mentally defective has been apprehended under a warrant issued under subsection 1 or has been detained under clause *b* of subsection 4, he shall be brought before a magistrate, and the magistrate may thereupon by his order in the prescribed form direct that the person be confined in a safe and comfortable place, or in the custody of the constable, or in such other safe custody as the magistrate deems fit, until the question of his mental condition is determined.

R.S.O. 1960,  
c. 236, s. 38,  
subs. 1,  
re-enacted

**6.** Subsection 1 of section 38 of *The Mental Hospitals Act*, as amended by section 4 of *The Mental Hospitals Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Admission  
on order  
of judge  
or  
magistrate

- (1) Where a person has been apprehended either with or without a warrant and charged with any offence, a judge or magistrate may, by order, remand that person to an institution for a period not exceeding sixty days if the order is accompanied by the prescribed history form.

R.S.O. 1960,  
c. 236,  
amended

**7.** *The Mental Hospitals Act* is amended by adding thereto the following section:



- 71a.—(1) In this section, “patient”, in addition to its <sup>Interpre-</sup> meaning in section 1, includes persons designated by <sup>tation</sup> the regulations.
- (2) The Minister may establish accommodations and <sup>Industrial</sup> facilities in hospitals for the beneficial employment of <sup>rehabili-</sup> patients to be known as “industrial rehabilitation <sup>tation</sup> centres”.
- (3) The industrial rehabilitation centres shall be operated, <sup>Operation</sup> maintained and managed in accordance with the regulations.
- (4) Where the superintendent of a hospital is of the <sup>Employment</sup> opinion that employment in the industrial rehabilita- <sup>of patients</sup> tion centre of the hospital will benefit any patient, he may permit him to engage in such employment.
- (5) A patient employed in an industrial rehabilitation <sup>Payment</sup> centre shall receive or be credited with such re- remuneration upon such conditions as the regulations prescribe.

8.—(1) Subsection 1 of section 72 of *The Mental Hospitals Act* is amended by striking out “\$10” in the third line and <sup>R.S.O. 1960,</sup> inserting in lieu thereof “\$15” and by inserting after “certifi- <sup>c. 236, s. 72,</sup> cate” in the fifth line “or submits a report”, so that the sub- <sup>subs. 1,</sup> section shall read as follows: <sup>amended</sup>

- (1) The necessary costs and expenses incurred under <sup>Liability of</sup> sections 26 to 32 and section 38 in determining the <sup>municipality</sup> mental condition of a person, including a fee not exceeding \$15 and a travelling allowance of 10 cents per mile of each medical practitioner who issues a certificate or submits a report in respect of the person and the necessary expenses incurred in conveying the person to and from an institution, shall be paid by the municipality from which the person came or was sent to an institution.
- (2) The said section 72 is amended by adding thereto the <sup>R.S.O. 1960,</sup> following subsection: <sup>c. 236, s. 72,</sup> <sup>amended</sup>
- (1a) The Lieutenant Governor in Council may make <sup>Saving</sup> regulations exempting municipalities from costs and expenses incurred in determining the mental condition of a person under any section mentioned in subsection 1 and provide for payment of such costs and expenses by the Department upon such terms and conditions as may be prescribed by the regulations.

R.S.O. 1960,  
c. 236, s. 72,  
subs. 2,  
amended

(3) Subsection 2 of the said section 72 is amended by inserting after "expenses" in the second line "incurred by a municipality under subsection 1 or by the Department under subsection 1a" and by inserting after "municipality" in the second line "or the Department, as the case may be", so that the subsection shall read as follows:

Recovery  
from  
estate, etc.

(2) Where the person is not in destitute circumstances, the costs and expenses incurred by a municipality under subsection 1 or by the Department under subsection 1a may be recovered by the municipality or the Department, as the case may be, from his estate or from him or the person liable for his maintenance.

R.S.O. 1960,  
c. 236, s. 77,  
repealed

9.—(1) Section 77 of *The Mental Hospitals Act* is repealed.

Sums due  
under  
R.S.O. 1960,  
c. 236, s. 77,  
deemed  
paid

(2) Any sum that is due and owing as a result of the liability heretofore imposed under section 77 of *The Mental Hospitals Act* shall be deemed to have been fully paid and satisfied.

R.S.O. 1960,  
c. 236, s. 83,  
re-enacted

10. Section 83 of *The Mental Hospitals Act*, as amended by section 3 of *The Mental Hospitals Amendment Act, 1960-61* and section 9 of *The Mental Hospitals Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Where  
Public  
Trustee not  
committee

83. The Public Trustee is not the committee of the estate of,

(a) a voluntary patient;

(b) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations;

(c) an habitue patient during the period he is admitted temporarily under section 51;

(d) a person admitted under section 22 or remanded under the *Criminal Code* (Canada);  
or

(e) a patient admitted under section 28a,

unless the person or the patient in writing, signed and sealed by him, appoints the Public Trustee as committee or the Supreme Court appoints the Public Trustee as committee.

1953-54,  
c. 51 (Can.)

**11.**—(1) This Act, except section 9, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Section 9 comes into force on the 1st day of July, 1963. <sup>Idem</sup>

**12.** This Act may be cited as *The Mental Hospitals Amendment Act, 1962-63*. <sup>Short title</sup>





## CHAPTER 82

## An Act to amend The Milk Industry Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 12 of subsection 1 of section 1 of *The Milk Industry Act*, as re-enacted by subsection 1 of section 1 of *The Milk Industry Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 239, s. 1,  
subs. 1,  
par. 12  
(1960-61,  
c. 56, s. 1,  
subs. 1),  
re-enacted

12. "fluid milk" means milk produced for sale to distributors for use in fluid milk products.

2. Subsection 1 of section 8 of *The Milk Industry Act* is amended by adding thereto the following paragraphs:

R.S.O. 1960,  
c. 239, s. 8,  
subs. 1,  
amended

27a. requiring any person who produces a regulated product to offer to sell and to sell the regulated product through the local board constituted to administer the plan under which the regulated product is regulated;

27b. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold by or through the local board constituted to administer the plan established for the regulating or controlling of the marketing of the regulated product.

3. *The Milk Industry Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 239,  
amended

15a.—(1) Except as provided in the regulations, no person shall manufacture, sell, offer for sale or have in possession for sale butter that has a tint or shade containing less than one and six-tenths degrees or more than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the

Colouring  
of butter

Lovibond tintometer scale read under conditions substantially similar to those established by the United States Bureau of Internal Revenue, or the equivalent of such measurement.

Field-men  
and  
analysts

- (2) The Lieutenant Governor in Council may appoint field-men and analysts to carry out and enforce this section.

R.S.O. 1960,  
c. 239, s. 36,  
subs. 1,  
re-enacted

4. Subsection 1 of section 36 of *The Milk Industry Act*, as amended by section 12 of *The Milk Industry Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Injunction  
proceedings

- (1) Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any order, agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Board, enjoin any transporter, processor, distributor or operator of a plant from carrying on business as a transporter, processor, distributor or operator of a plant, absolutely or for such period as seems just, and any injunction *ipso facto* cancels the licence of the transporter, processor, distributor or operator of a plant named in the order during the same period.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Milk Industry Amendment Act, 1962-63*.

## CHAPTER 83

## An Act to amend The Minimum Wage Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Minimum Wage Act* is amended by adding at the end thereof "but does not include 'tips' and other gratuities", so that the clause shall read as follows:

R.S.O. 1960,  
c. 240, s. 1,  
cl. *d*,  
amended

(*d*) "wage" or "wages" includes every form of remuneration for labour performed, but does not include "tips" and other gratuities.

2.—(1) Section 3 of *The Minimum Wage Act* is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 240, s. 3,  
amended

(*da*) establish minimum hourly rates of wages for regular working periods.

Minimum  
hourly wage

(2) Clause *e* of the said section 3 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 240, s. 3,  
cl. *e*,  
re-enacted

(*e*) establish the regular working period and the maximum number of hours of labour that may be worked regularly in any industry, business, trade, work or undertaking, or the part or parts thereof to which the order is applicable.

Maximum  
hours of  
labour

3. Section 5 of *The Minimum Wage Act* is amended by striking out "or any order made by the Minimum Wage Board" in the fifth line.

R.S.O. 1960,  
c. 240, s. 5,  
amended

4. *The Minimum Wage Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 240,  
amended

7a.—(1) The Board may hold an inquiry into the facts respecting any persons engaged or working in or about an undertaking as members or alleged members of a partnership or association, or in the execution

Inquiry into  
partnership,  
association,  
or scheme

of any agreement or scheme of profit-sharing or co-operative or joint contract or undertaking, including the investigation of the contractual and other relationships of the persons so engaged or working, as between themselves or as between them and their master or employer, and, if the Board is of opinion that the partnership, association, agreement or scheme is intended to defeat, or has the effect, either directly or indirectly, of defeating, the true intent and object of this Act, the Board may make such order as it deems proper declaring any of such persons or any class or group thereof to be employers and any of such persons or any class or group thereof to be employees for the purposes of this Act.

Powers of  
chairman on  
inquiry

R.S.O. 1960,  
c. 323

- (2) For the purposes of any such inquiry, the chairman of the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,  
c. 240, s. 10,  
re-enacted

5. Section 10 of *The Minimum Wage Act* is repealed and the following substituted therefor:

Work  
records

- 10.—(1) Every employer shall make and keep for a period of at least twelve months after the work was performed a record of the name, address, age if under eighteen, wage rate, hours worked and the actual earnings of each of his employees, and such records shall be available at all reasonable times for examination by any member of the Board or any inspector of the Department of Labour.

Information  
and  
returns

- (2) Every employer shall furnish such information and make such returns from time to time as the Board may require.

Offence

- (3) Every employer who fails to comply with any provision of subsection 1 or who fails to comply with any requirement of the Board under subsection 2 is guilty of an offence.

R.S.O. 1960,  
c. 240, s. 12,  
amended

6. Section 12 of *The Minimum Wage Act* is amended by adding thereto the following subsection:

Filing of  
order

- (2) An order to pay arrears of wages under subsection 1 may be filed by the Board in a division court where,

(a)



(a) the conviction upon which the order is based,

(i) is not appealed from within the time prescribed therefor, or

(ii) is confirmed upon appeal; and

(b) the fee prescribed under *The Division Courts Act* is paid to the clerk of the division court,

R.S.O. 1960,  
c. 110

and such order thereupon is of the same force and effect as a judgment in the division court.

7. Section 13 of *The Minimum Wage Act* is amended by striking out "\$10" in the fourth line and inserting in lieu thereof "\$25".

R.S.O. 1960,  
c. 240, s. 13,  
amended

8. *The Minimum Wage Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 240,  
amended

13a.—(1) Where the Board is authorized to require a person to furnish information under this Act, the Board may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known place of abode of the person for whom the notice is intended, and such person shall furnish the information within such reasonable time as is specified in the notice.

Notice to  
furnish  
information

(2) A certificate of a member of the Board certifying that the notice was sent by registered mail to the person to whom it was addressed, accompanied by and identifying the post office certificate of the registration and a true copy of the notice, is admissible as *prima facie* proof of the mailing and receipt of the notice.

Proof of  
service  
of notice

(3) Where the Board is authorized to require a person to furnish information under this Act, a certificate of a member of the Board certifying that the information has not been furnished is admissible as *prima facie* proof that in such case the person did not furnish the information.

Proof of  
failure to  
comply

(4) A certificate of a member of the Board certifying that a document annexed thereto is a document or a true copy of a document made by or on behalf of the Board is admissible as *prima facie* proof of the nature and contents of the document and shall be

Proof of  
documents

received in evidence in the place and stead of the original and has the same force and effect as the original document would have had if produced and proved.

Proof of  
authority

- (5) A certificate under this section signed or purporting to be signed by a member of the Board is admissible as *prima facie* proof of the facts stated therein and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** This Act may be cited as *The Minimum Wage Amendment Act, 1962-63*.

## CHAPTER 84

## An Act to amend The Mining Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mining Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 241, s. 1,  
amended

2a. "Crown" means Crown in right of Ontario.

(2) Paragraph 8 of the said section 1 is amended by adding at the end thereof "and a geologist on the staff of the Department, and any other officer or agent designated by the Minister to carry out an inspection or investigation relating to the mining industry", so that the paragraph shall read as follows: R.S.O. 1960,  
c. 241, s. 1,  
par. 8,  
amended

8. "inspector" includes "engineer", as defined in clause *b* of subsection 1 of section 161, and a geologist on the staff of the Department, and any other officer or agent designated by the Minister to carry out an inspection or investigation relating to the mining industry.

2. Subsection 2 of section 2 of *The Mining Act* is repealed. R.S.O. 1960,  
c. 241, s. 2,  
subs. 2,  
repealed

3.—(1) Subsection 1 of section 8 of *The Mining Act* is amended by striking out "a Provincial Geologist, a Provincial Assayer, one or more inspectors, and such other" in the second and third lines and inserting in lieu thereof "such", so that the subsection shall read as follows: R.S.O. 1960,  
c. 241, s. 8,  
subs. 1,  
amended

(1) The Lieutenant Governor in Council may appoint such officers and agents as he deems necessary, who shall be officers of the Department and shall perform such duties as are assigned to them by this Act or by the regulations. Officers  
and agents,  
appointment

(2) Subsection 2 of the said section 8 is repealed. R.S.O. 1960,  
c. 241, s. 8,  
subs. 2,  
repealed

R.S.O. 1960,  
c. 241, s. 14,  
subs. 1,  
amended

4. Subsection 1 of section 14 of *The Mining Act* is amended by striking out "Crown" in the third line and inserting in lieu thereof "mining" and by inserting after "claims" in the fourth line "situate in Ontario", so that the subsection shall read as follows:

Officers not  
to be  
interested  
in mining  
lands or  
claims  
situate in  
Ontario

(1) No officer appointed under this Act shall directly or indirectly, by himself or by any other person, purchase or become interested in any mining lands, mining rights or mining claims situate in Ontario, and any such purchase or interest is void.

R.S.O. 1960,  
c. 241, s. 16,  
subs. 1,  
amended

5.—(1) Subsection 1 of section 16 of *The Mining Act* is amended by striking out "the Provincial Geologist, the Provincial Assayer, or an inspector, recorder or other officer" in the third and fourth lines and inserting in lieu thereof "or any officer or agent of the Department", so that the subsection shall read as follows:

Certain  
officers not  
to be sub-  
poenaed  
without  
order or  
direction

(1) A subpoena shall not issue out of any court requiring the attendance of the Deputy Minister, the Commissioner or any officer or agent of the Department, or the production of any document in the official custody or possession of any of them, without an order of the court or a judge thereof or, in matters before the Commissioner, without a direction of the Commissioner.

R.S.O. 1960,  
c. 241, s. 16,  
subs. 2,  
amended

(2) Subsection 2 of the said section 16 is amended by striking out "the Provincial Geologist, the Provincial Assayer, and an inspector, recorder or other officer" in the first, second and third lines and inserting in lieu thereof "or any officer or agent of the Department", so that the subsection shall read as follows:

Privilege as  
to official  
information

(2) The Deputy Minister, the Commissioner or any officer or agent of the Department is not bound to disclose any information obtained by him in his official capacity that a member of the Executive Council certifies ought not in the public interest to be divulged or cannot without prejudice to the interests of persons not concerned in the litigation be divulged, and all such information is privileged.

R.S.O. 1960,  
c. 241, s. 20,  
re-enacted

6. Section 20 of *The Mining Act* is repealed and the following substituted therefor:

Certain  
documents  
filed in  
recorder's  
office

20.—(1) Except as in this Act otherwise provided, the recorder's office is the proper office for filing and recording all applications, documents and other

instruments



instruments required or permitted to be filed or recorded under this Act, affecting any unpatented mining claim or any right, privilege or interest that may be acquired under this Act respecting an unpatented mining claim, and all such applications, documents and instruments may, before patent, be filed or recorded in such office, but, after patent, *The Land Titles Act* or *The Registry Act*, as the case may be, applies. R.S.O. 1960,  
cc. 204, 348

- (2) Except as in this Act otherwise provided, the Minister's office is the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under this Act, affecting any mining licence of occupation or any right, privilege or interest that may be acquired under this Act respecting a mining licence of occupation, or affecting any grant under this Act or the regulations that is not a grant that may be registered under *The Land Titles Act* or *The Registry Act* or affecting any right, privilege or interest that may be acquired under this Act respecting such a grant, and the Minister may authorize an officer or officers to receive, scrutinize, approve and record any such applications, documents and other instruments. Certain documents  
filed in  
Minister's  
office

7. Clause *b* of subsection 8 of section 24 of *The Mining Act* is amended by striking out "X" in the third line and inserting "IX", so that the clause shall read as follows: R.S.O. 1960,  
c. 241,  
s. 24, subs. 8,  
cl. b,  
amended

- (b) incorporated outside Ontario, satisfies the Minister that it is so incorporated and that it is not required to be licensed under Part IX of *The Corporations Act*; R.S.O. 1960,  
c. 71  
or

. . . . .

8. Subsection 1 of section 28 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 28,  
subs. 1,  
re-enacted

- (1) If a miner's licence is accidentally destroyed or lost, the holder may, Accidental  
destruction  
or loss of  
licence
- (a) upon proof by statutory declaration that the original has been destroyed or lost and setting out the circumstances thereof; and
- (b) upon payment of the prescribed fee,

obtain a duplicate thereof from the office of the Minister, Deputy Minister or any recorder.

R.S.O. 1960,  
c. 241, s. 37,  
cls. b, c,  
re-enacted

9. Clauses *b* and *c* of section 37 of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 324

- (b) for which a *bona fide* application is pending in the Department of Lands and Forests under *The Public Lands Act*, or otherwise, and the applicant may acquire the minerals; or
- (c) where the surface rights have been subdivided, surveyed, sold or otherwise disposed of by the Department of Lands and Forests for summer resort purposes, except where the Minister of Mines certifies in writing that in his opinion discovery of valuable mineral in place has been made; or

. . . . .

R.S.O. 1960,  
c. 241, s. 39,  
subs. 1,  
amended

10.—(1) Subsection 1 of section 39 of *The Mining Act* is amended by inserting after “lessee” in the tenth line “purchaser”, so that the subsection shall read as follows:

Lands used  
or occupied  
as gardens,  
etc.

- (1) Notwithstanding that the mines or minerals therein have been reserved to the Crown, no person or company shall prospect for minerals or stake out a mining claim upon the part of a lot that is used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops that may be damaged by such prospecting are growing, or on the part of a lot upon which is situated a spring, artificial reservoir, dam or waterworks, or a dwelling house, outhouse, manufactory, public building, church or cemetery, except with the consent of the owner, lessee, purchaser or locatee of the surface rights, or by order of the recorder or the Commissioner, and upon such terms as to him seem just.

R.S.O. 1960,  
c. 241, s. 39,  
subs. 2,  
amended

(2) Subsection 2 of the said section 39 is amended by inserting after “lessee” in the second line “purchaser”, so that the subsection shall read as follows:

Disputes as  
to lands  
exempt

- (2) If a dispute arises between the intending prospector and the owner, lessee, purchaser or locatee as to land that is exempt from prospecting or staking out under subsection 1, the recorder or the Commissioner shall determine the extent of the land that is so exempt.

R.S.O. 1960,  
c. 241, s. 47,  
subs. 1,  
amended

11.—(1) Subsection 1 of section 47 of *The Mining Act* is amended by adding at the commencement thereof “Except as provided in section 100*b*”, so that the subsection shall read as follows:

- (1) Except as provided in section 100*b*, mining lands in a provincial forest shall not be sold or granted but a lease of such lands may be made for a period not exceeding ten years at a rental payable in advance of \$1 per acre for the first year and 25 cents per acre for each subsequent year, the minimum rental being \$10 for the first year and \$5 for each subsequent year. Mining lands in provincial forest not to be sold
- (2) Subsection 5 of the said section 47 is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 47, subs. 5, re-enacted
- (5) Where a lease has not been renewed under subsection 2 or has been terminated under subsection 4, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the local master of titles or registrar of the registry division, as the case may be, shall, upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators and assigns shall be deemed to have ceased and determined, and the land included in such lease is revested in the Crown freed and discharged from every claim. Notice of termination of lease
- (3) The said section 47 is amended by adding thereto the following subsections: R.S.O. 1960, c. 241, s. 47, amended
- (7) Upon registration of the notice under subsection 5 in the land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the local master of titles or the registrar shall note that fact in his register in red ink. R.S.O. 1960, cc. 204, 348, not to apply to forfeited lands
- (8) Subject to subsection 1 of section 100*a*, this section applies only to leases for which application is made on or before the 1st day of September, 1963. Application
- (9) The holder of a lease to which this section applies may, upon application in writing therefor and upon the surrender of his lease, be issued a lease under section 100*a*, and the rental for each year in the term of the lease shall be that prescribed by section 100*a* for years subsequent to the first year of a term under that section. Lessee may be issued lease under s. 100*a*

**12.**—(1) Section 52 of *The Mining Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 241, s. 52, amended



Crown  
reservation

- (4a) Where a claim is traversed by a highway or road constructed or maintained by the Department of Highways, there may be reserved for the Crown the surface rights not exceeding 300 feet in width along both sides of the highway or road, such reservation to be measured from the outside limits of the right of way of the highway or road.

Application  
of Crown  
reservation  
to un-  
patented  
mining  
claims

- (4b) The reservations of surface rights authorized by subsections 4 and 4a shall be deemed to apply to and to have been made on all unpatented mining claims unless such reservation or reservations are waived by the Minister.

R.S.O. 1960,  
c. 241, s. 52,  
subss. 7, 8,  
re-enacted

- (2) Subsections 7 and 8 of the said section 52 are repealed and the following substituted therefor:

Application  
of s. 47,  
subss. 2-9

- (7) Subsections 2, 3, 4, 5, 6, 7, 8 and 9 of section 47 apply *mutatis mutandis* to such leases.

Termination  
of licence of  
occupation

- (8) Where payment of the rental under any such licence is in arrears for two years or more, the licence may be terminated by an instrument in writing, and all rights and powers therein contained as well as all rights and claims of the licensee, his successors or assigns, in or to the lands covered by the licence, cease, but the lands or mining rights contained therein are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, at least two weeks notice of which shall be published in *The Ontario Gazette*.

R.S.O. 1960,  
c. 241, s. 52,  
amended

- (3) The said section 52 is further amended by adding thereto the following subsection:

Consent to  
transfer of  
licence

- (10) A licence or the term or terms thereby created is not transferable without the written consent of the Minister or an officer duly authorized by him.

R.S.O. 1960,  
c. 241, s. 55,  
subs. 1, cl. b,  
amended

- 13.**—(1) Clause *b* of subsection 1 of section 55 of *The Mining Act* is amended by striking out “placing” in the first line and inserting in lieu thereof “otherwise inscribing”, so that the clause shall read as follows:

- (b) by writing or otherwise inscribing on No. 1 post his name, the letter and number of his licence, the date and hour of the commencement of staking out, and, if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number.



(2) Clause *c* of subsection 1 of the said section 55 is amended by striking out "placing" in the first line and inserting in lieu thereof "otherwise inscribing", so that the clause shall read as follows:

R.S.O. 1960,  
c. 241, s. 55,  
subs. 1, cl. *c*,  
amended

- (*c*) by writing or otherwise inscribing his name and the letter and number of his licence on No. 2, No. 3 and No. 4 posts; and

. . . . .

(3) The said section 55 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 241, s. 55,  
amended

- (6) Notwithstanding section 58, the writing or inscribing required on the posts by clauses *b* and *c* of subsection 1 shall be done, at the time that the posts are erected, by the licensee staking out the mining claim.

Writing done  
by licensee  
at time of  
erection  
of posts

**14.** Subsection 7 of section 62 of *The Mining Act* is amended by inserting after "section 92" in the fourth line "or by the recorder under section 86", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 241, s. 62,  
subs. 7,  
amended

- (7) Upon receipt of a written report by an inspector or other officer appointed under this Act that the metal tags have not been affixed within the prescribed time or such further time as is authorized by the Commissioner under section 92 or by the recorder under section 86, the recorder shall cancel the claim and shall by registered letter mailed not later than the next day notify the holder thereof of his action and the reason therefor.

Cancellation  
of claim  
where metal  
tags not  
affixed

**15.** Section 64 of *The Mining Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 241, s. 64,  
amended

- (6) Where the prescribed fee has been paid for filing a dispute under subsection 1, such fee shall be deemed to include the fee for filing any order or orders settling the dispute.

Fee includes  
fee for filing  
order

**16.** Section 65 of *The Mining Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 241, s. 65,  
amended

- (2) Where a claim forms part of a group of claims that have been included in a perimeter survey as provided in subsection 3 of section 109, the recorder shall not issue a certificate of record unless application is made for patent or lease and the price or rental has been paid.

Certificate  
of record  
where claim  
included in  
perimeter  
survey

R.S.O. 1960,  
c. 241,  
amended

**17.** *The Mining Act* is amended by adding thereto the following section:

Surface  
rights on  
unpatented  
mining  
claim

68a.—(1) Except as in this Act otherwise provided, the holder of an unpatented mining claim has the right prior to any subsequent right to the user of the surface rights for prospecting and the efficient exploration, development and operation of the mines, minerals and mining rights.

Disposition  
of surface  
rights

R.S.O. 1960,  
c. 324

(2) Where the holder of an unpatented mining claim consents to the disposition of surface rights under *The Public Lands Act*, the recorder shall make an entry on the record of the claim respecting the consent, and thereupon the surface rights may be dealt with as provided in *The Public Lands Act*.

Survey of  
surface  
rights

(3) Where the holder of an unpatented mining claim consents to the disposition of surface rights under subsection 2, the Minister may require a survey of such surface rights, and the survey shall be provided at the expense of the person who has acquired the surface rights.

Where  
holder does  
not consent  
to disposition  
of surface  
rights

(4) Where an application is made for disposition under *The Public Lands Act* of surface rights on an unpatented mining claim and the holder of the unpatented mining claim does not consent to the disposition and provision for the reservation or exclusion of the surface rights is not otherwise provided for in this Act or any other Act, the Minister may refer the application to the Commissioner.

Where  
application  
referred to  
Commis-  
sioner

(5) Where an application under subsection 4 is referred to the Commissioner, he shall, upon giving all interested persons at least ninety days notice and after hearing such interested persons as appear, make an order based on the merits of the application.

R.S.O. 1960,  
c. 241, s. 69,  
subs. 1,  
amended

**18.** Subsection 1 of section 69 of *The Mining Act* is amended by striking out "Provincial Assayer" in the sixth line and inserting in lieu thereof "Chief, Laboratory Branch, Department of Mines", so that the subsection shall read as follows:

Free  
assays

(1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Chief,

Laboratory

Laboratory Branch, Department of Mines, Toronto, together with the required number of coupons; as provided in the regulations, is entitled to have the samples assayed without charge, but in no case is a licensee entitled to more than eighteen free assay coupons in a licence year.

**19.** Section 70 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 70,  
re-enacted

70.—(1) Where the holder, licensee, lessee or owner of a mining claim, mining lands or mining rights abandons or surrenders the claim, lands or rights or where the mining claim, mining lands or mining rights are cancelled or forfeited under this Act or any other Act or the regulations thereunder, he may take from the claim, lands or rights any buildings, structures, machinery, chattels, personal property and, except in the case of an unpatented mining claim, any ore or mineral he has extracted therefrom belonging to him and any slimes or tailings not otherwise owned, within six months after the abandonment, surrender, cancellation or forfeiture or within such further time as is fixed by the Commissioner, and, in default of so doing, all such buildings, structures, machinery, chattels, personal property, ore, mineral, slimes and tailings belong to the Crown and may be sold or otherwise disposed of by the Minister upon such terms and conditions as he deems expedient.

(2) The staking or recording of a mining claim does not confer upon the licensee any right respecting buildings, structures, machinery, chattels, personal property, ore, mineral, slimes and tailings acquired by the Crown under subsection 1. Licensee has  
no rights in  
buildings,  
etc.,  
acquired  
by Crown

**20.** Section 72 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 72,  
re-enacted

72.—(1) Where land is staked out and applied for as a mining claim and it appears that the land is being used other than as mining land or for a purpose other than that of the mineral industry, the Minister may direct the Commissioner to hold a hearing. Improper  
use of  
land

(2) Where, upon notice to all persons interested and after hearing such of them as appear, the Commissioner is satisfied that the land is being used other than as mining land or for a purpose other than that of the mineral industry, he may make an order cancelling the claim, and, on the filing of the order Cancellation  
of claim

with



with the recorder for the mining division in which the land is situate, the claim is cancelled and annulled, and the land may be dealt with as provided in this Act.

R.S.O. 1960,  
c. 241, s. 76,  
subs. 1,  
amended

**21.** Subsection 1 of section 76 of *The Mining Act* is amended by striking out "in the name of" in the fourth and fifth lines and inserting in lieu thereof "by" and by striking out "or in whose name" in the seventh and eighth lines, so that the subsection shall read as follows:

Agreements  
and  
transfers  
necessary  
in writing

- (1) No person is entitled to enforce any claim, right or interest, contracted for or acquired before the staking out, to or in or under any staking out or recording of a mining claim or of any mining lands or mining rights done by another person unless the fact that the first-mentioned person is so entitled is made to appear by a writing signed by the holder of the claim or by the licensee by whom the staking out or recording was done or the evidence of the first-mentioned person is corroborated by some other material evidence, and, where a right or interest is so made to appear, *The Statute of Frauds* does not apply.

R.S.O. 1960,  
c. 381

**22.** Section 81 of *The Mining Act* is amended by adding thereto the following subsections:

Transfer,  
etc., deemed  
to be  
recorded  
when  
received in  
office of  
recorder

- (2) Any transfer or other instrument proper to be recorded shall, if all requirements for recording have been met, be deemed to have been recorded at the time that it was received in the office of the recorder, notwithstanding that such transfer or other instrument may not have been immediately entered in the record book.

Filing  
after the  
prescribed  
time

- (3) Where a document is required to be filed with or a fee is required to be paid to a recorder and the document or fee is sent by mail and is received in the office of the recorder after the prescribed time, the recorder may accept the document or fee upon evidence that it was mailed within the prescribed time and that there is no adverse interest.

R.S.O. 1960,  
c. 241, s. 82,  
amended

**23.** Section 82 of *The Mining Act* is amended by adding thereto the following subsection:

Fee for  
filing  
certificate  
includes fee  
for filing  
order

- (10) Where the prescribed fee has been paid for filing a certificate under subsection 2, the fee shall be deemed to include the fee for filing any order or orders made by the Commissioner in the proceeding.



**24.** Section 85 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 85,  
re-enacted

85.—(1) In computing the time within which work upon a mining claim is required to be performed, Computing  
time for  
performance  
of work  
conditions

(a) all time which by an order in council or regulation is excluded;

(b) if a permit under *The Forest Fires Prevention Act*, which is necessary for the beginning or carrying on of the work under this Act, is refused or the performance of such work is prohibited under that Act, the time during which such refusal or prohibition subsists, if the holder provides the recorder with satisfactory evidence of such prohibition; R.S.O. 1960,  
c. 152

(c) time during which proceedings concerning the claim are pending, where the Commissioner or recorder is satisfied that any delay in settling the matter is not the fault of the holder,

shall be excluded.

(2) Where time is excluded under subsection 1, the Commissioner may make an order prescribing the date or dates by which the next or any subsequent periods of work shall be performed and reported. Order by  
Commis-  
sioner

**25.** Subsection 2 of section 87 of *The Mining Act* is repealed. R.S.O. 1960,  
c. 241, s. 87,  
subs. 2,  
repealed

**26.**—(1) Subsection 1 of section 92 of *The Mining Act* is amended by inserting after "under" in the first line "sub-section 7 of section 62 or", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 241, s. 92,  
subs. 1,  
amended

(1) Where forfeiture or loss of rights occurs under sub-section 7 of section 62 or subsection 1 of section 91 and, Relief  
against  
forfeiture

. . . . .

(2) Subsection 1 of the said section 92 is further amended by adding thereto the following clause: R.S.O. 1960,  
c. 241, s. 92,  
subs. 1,  
amended

(e) where the metal tags have not been affixed to the corner posts of the claim within the time prescribed in subsection 5 of section 62, the Commissioner may make an order, upon such terms as he considers just, relieving the claim from forfeiture and granting an

extension

extension of the time for affixing the metal tags to the corner posts, but only one such extension shall be granted, and, where the Commissioner extends the time for affixing metal tags beyond the first anniversary of the date of recording of the claim, the holder of the claim shall pay to the recorder, in addition to the fee prescribed in the Schedule, a fee of \$5 a claim for each year or part of a year of the extension beyond the anniversary date.

R.S.O. 1960,  
c. 241, s. 92,  
amended

(3) The said section 92 is amended by adding thereto the following subsections:

Filing of  
relief from  
forfeiture  
order

(9) Notwithstanding subsection 7, an order made by the Commissioner under clause *a* of subsection 1 may be filed in the office of any recorder, but such order does not come into force until it is so filed and until the prescribed fees are paid.

No fee for  
special  
renewal of  
licence under  
s. 27, subs. 5

(10) Notwithstanding clause *a* of subsection 1, no fee is payable for a special renewal of a licence issued under subsection 5 of section 27.

R.S.O. 1960,  
c. 241, s. 100,  
subs. 5,  
re-enacted

**27.** Subsection 5 of section 100 of *The Mining Act* is repealed and the following substituted therefor:

Application  
of s. 47,  
subss. 3-7

(5) Subsections 3, 4, 5, 6 and 7 of section 47 apply *mutatis mutandis* to leases and renewals thereof under subsections 3 and 4.

Application

(6) Subject to subsection 1 of section 100*a*, this section applies only to patents and leases for which application is made on or before the 1st day of September, 1963.

Lease under  
s. 100*a*

(7) The holder of a lease to which this section applies may, upon application therefor in writing and upon the surrender of his lease, be issued a lease under section 100*a*, and the rental for each year in the term of the lease shall be that prescribed by section 100*a* for years subsequent to the first year of a term under that section.

R.S.O. 1960,  
c. 241,  
amended

**28.** *The Mining Act* is amended by adding thereto the following sections:

Application

100*a*.—(1) This section,

(*a*) may, at the election of the applicant, apply to a lease applied for on or before the 1st day of September, 1963; and

(*b*)

(b) shall apply to a lease applied for after the 1st day of September, 1963.

- (2) Upon compliance with this Act and upon payment <sup>Right to lease of</sup> of the rent for the first year, the holder of a mining claim <sup>claim</sup> is entitled to a lease of the claim.
- (3) The application and payment for a lease shall be <sup>Application for lease</sup> made to the recorder within one year from the date upon which all work on a mining claim is required to be performed, and the application shall be accompanied by a certificate of record as provided in section 65 and a certificate of the complete performance of working conditions as provided in subsection 4 of section 83.
- (4) A lease under this section shall be for a term of <sup>Term of lease</sup> twenty-one years at a rental payable in advance of \$1 an acre for the first year and 25 cents an acre for each subsequent year, the minimum rental being \$10 for the first year and \$5 for each subsequent year.
- (5) The holder of a mining claim may elect to apply <sup>Lease of mining rights</sup> for a lease of the mining rights only.
- (6) Where a lease under this section is for the mining <sup>Rental</sup> rights only, the rental is \$1 an acre for the first year and 10 cents an acre for each subsequent year, the minimum rental being \$10 for the first year and \$4 for each subsequent year.
- (7) Where the surface rights on part of a claim are <sup>Rental where surface rights on part of claim excluded</sup> excluded in a lease under this section, the rental prescribed in subsection 4 applies to the part of the claim including the surface rights, and the rental prescribed in subsection 6 applies to the part of the claim excluding the surface rights, but the total rental shall not be less than the minimum rental prescribed in subsection 4.
- (8) Subject to subsections 10, 11 and 12, every lease <sup>Lease renewable</sup> under this section may be renewed for further terms of twenty-one years, and the renewal shall be dated from the day following the expiration of the lease or the last renewal thereof, but application for renewal shall be made within ninety days of the expiry of the lease or last renewal thereof or within such further period as the Minister, in the circumstances of the case, deems proper.



Rental for renewed lease

- (9) The rentals and minimum rentals prescribed for years subsequent to the first year in subsections 4, 6 and 7 apply to the first and subsequent years of renewal leases.

Minister may refuse to renew lease

- (10) The Minister may refuse to renew a lease issued under this section or may require the applicant to show cause why a renewal should be granted.

Application referred to Commissioner

- (11) The Minister may refer an application for renewal of a lease to the Commissioner, who shall, upon notice to all interested persons and after hearing such of them as appear, report to the Minister thereon with his recommendations.

Termination of lease for arrears of rent

- (12) Where payment of the rental under any such lease is in arrears for two years or more, the lease may be terminated by an instrument in writing.

Notice of termination of lease

- (13) Where application for renewal of a lease is not made within the time prescribed by subsection 8 or where a renewal of a lease is refused under subsection 10 or where a lease has been terminated under subsection 12, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the local master of titles or registrar of the registry division, as the case may be, shall, upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators and assigns shall be deemed to have ceased and determined, and the lands included in such lease are revested in the Crown freed and discharged from every claim.

Registration of notice of termination  
R.S.O. 1960,  
cc. 204, 348

- (14) Upon registration of the notice in the proper land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the local master of titles or the registrar of the registration division shall note that fact in his register in red ink.

Lands vested in Crown on termination of lease

- (15) When a lease is terminated under this section, the lease and all rights and powers therein contained, as well as all rights and claims of the lessee, his heirs, executors, administrators or assigns in or to the lands covered by the lease, cease, and such lands are vested in the Crown, freed and discharged from every claim and are not open for prospecting, staking out or leasing until re-opened by the Lieutenant Governor in Council.



(16) A lease or renewal thereof or the term or terms thereby created is not transferable without the written consent of the Minister or an officer duly authorized by him. Transfer of lease or renewal

(17) Any surface rights reserved in a lease or renewal thereof may be dealt with under Part VII or under *The Public Lands Act* or the regulations made thereunder. Disposition of surface rights reserved in a lease or renewal  
R.S.O. 1960, c. 324

100b.—(1) Subject to subsection 3, where a holder of a lease issued under section 47, 100 or 100a produces evidence, satisfactory to the Minister, that he is producing mineral in substantial quantities and production has been continuous for more than one year, he is entitled, upon application in writing therefor and upon the surrender of his lease, to a patent of the lands or mining rights held under lease. Right to patent

(2) Application for a patent shall be in the prescribed form and shall be accompanied by the purchase price at the rate of \$10 an acre for both surface and mining rights or \$5 an acre for the mining rights only, as the case may be. Application for patent

(3) Where land consists of land under navigable water, a patent shall not be granted, but, upon application therefor in writing and upon the surrender of his lease, the lessee is entitled to a new lease renewable in perpetuity for periods of twenty-one years, and every renewal shall date from the day following the expiration of the lease or last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or within such further period as the Minister, in the circumstances of the case, deems proper. Lease of land under navigable water

(4) The rental for a lease or renewal lease under subsection 3 shall be as prescribed in subsection 9 of section 100a. Rental

(5) Subsections 12, 13, 14, 15 and 16 of section 100a apply *mutatis mutandis* to leases and renewals thereof under this section. Application of sec. 100a

100c.—(1) Where the lessee or owner of mining rights, or the holder of a mining licence of occupation, requires the use of surface rights lying within or outside the Lease of surface rights

limits of lands for which he has a lease, patent or licence of occupation for the mining rights for the disposal of tailings or waste material or for the erection of a shaft or buildings for mining or mining purposes, or for any other purpose essential to mining or mining exploration, the Minister may lease to him any available surface rights.

Application  
for lease of  
surface  
rights

- (2) Application for a lease of surface rights shall be made in writing to the Minister in the prescribed form, and the applicant shall furnish such particulars as the Minister requires, including,

- (a) a statement of the particular purposes for which the surface rights are to be used;
- (b) an adequate description and plan or sketch of the area applied for;
- (c) the first year's rental; and
- (d) proof of ownership, or, in the case of a licence of occupation, proof that the applicant is the holder of the licence of occupation, of the mining lands or mining rights that are the basis of the application.

Survey

- (3) The Minister may require the applicant to furnish a survey by an Ontario land surveyor, and the cost of the survey shall be borne by the applicant.

Rental

- (4) The annual rental of a lease or renewal under this section is \$1 an acre, payable in advance.

Term of  
lease

- (5) A lease issued under this section shall be for a term of twenty-one years, but, where the mining lands or mining rights that are the basis of the application are held under a mining lease, the term shall be coterminous with the mining lease.

Application  
of s. 100a,  
subss. 8,  
10-16

- (6) Subsections 8, 10, 11, 12, 13, 14, 15 and 16 of section 100a apply *mutatis mutandis* to leases issued under this section, but, where the mining lands or mining rights that are the basis of the application are held under a mining lease, the renewal term shall be coterminous with the mining lease.

Termination  
of lease  
where lands  
forfeited

- (7) Where the mining lands or mining rights that are the basis for a lease issued under this section are

revested

revested in or are forfeited or revert to the Crown, the lease is forfeited, and subsections 13, 14 and 15 of section 100a apply.

- (8) Where the holder of a lease issued under this section ceases to be the holder of the lands or mining rights in respect of which the lease was issued, the lease is forfeited, and subsections 13, 14 and 15 of section 100a apply. Holder of lease and holder of land to be same person

100d. The lands, surface rights or mining rights held under a lease that has been or will be issued under this Act shall be used solely for the purposes of the mining industry, and, in default thereof and on the recommendation of the Commissioner, the Lieutenant Governor in Council may declare the lease void, and subsections 13, 14 and 15 of section 100a apply. Lease void where lands used other than for mining industry

**29.**—(1) Subsection 1 of section 101 of *The Mining Act* is repealed. R.S.O. 1960, c. 241, s. 101, subs. 1, repealed

(2) Notwithstanding subsection 1, subsection 1 of section 101 of *The Mining Act* continues to apply to patents to which section 100 of *The Mining Act* applies. Saving

**30.** Subsection 2 of section 102 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 102, subs. 2, re-enacted

- (2) Every patent or lease issued under this Act shall contain a reservation of the surface rights on and over any public or colonization road or any highway crossing the land granted or leased at the date of issue of the patent or lease. Reservation of surface rights

- (3) Subsections 1 and 2 do not apply to patents or leases of the mining rights only. Subss. 1, 2, not to apply to mining rights

- (4) Where a patent or lease has been issued under this Act or any predecessor thereof containing a reservation for road purposes of 5 per cent or of 10 per cent of the lands granted, and the Crown or its officers or agents did not occupy lands under such reservation, prior to the 1st day of May, 1963, for laying out and constructing roads, such reservation shall now read as a reservation of 5 per cent of the surface rights or 10 per cent of the surface rights, as the case may be. Reservation of land to read as reservation of surface rights



R.S.O. 1960,  
c. 241, s. 104,  
amended

**31.** Section 104 of *The Mining Act* is amended by adding thereto the following subsection:

Application

- (3) This section applies only to leases to which section 47, 52 or 100 applies and to patents issued under section 100.

R.S.O. 1960,  
c. 241, s. 105,  
amended

**32.** Section 105 of *The Mining Act* is amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1960,  
c. 66

- (2) Notwithstanding section 19 of *The Conveyancing and Law of Property Act*, where a patent or lease of a mining claim was or is issued under this Act on or after the 1st day of July, 1914, and the patent or lease reserves the surface rights, section 16 of *The Conveyancing and Law of Property Act* applies if the surface rights were the property of the Crown and were not applied for or occupied at the time that the mining claim was staked out and recorded.

R.S.O. 1960,  
c. 241, s. 109,  
subs. 1,  
re-enacted

**33.**—(1) Subsection 1 of section 109 of *The Mining Act* is repealed and the following substituted therefor:

When  
survey  
required in  
unsurveyed  
territory

- (1) Before a patent, lease or licence of occupation of a mining claim in unsurveyed territory is applied for, the claim shall be surveyed by an Ontario land surveyor at the expense of the applicant, but no survey of a mining claim, except a perimeter survey consented to by the Minister under subsection 3, shall be made without the written consent of the recorder.

R.S.O. 1960,  
c. 241, s. 109,  
amended

(2) The said section 109 is amended by adding thereto the following subsections:

Perimeter  
survey

- (3) Where two or more mining claims in unsurveyed territory are contiguous and are recorded in the same name, the Minister may, in special circumstances and upon application therefor, consent to a perimeter survey being made of the circumference of the contiguous claims in lieu of a survey under subsection 1.

Minister  
to issue  
written  
instructions

- (4) Where the Minister consents to a perimeter survey being made under subsection 3, he shall issue written instructions prescribing its conduct and filing.

Application  
of s. 84,  
subs. 1-4

- (5) Subsections 1, 2, 3 and 4 of section 84 apply *mutatis mutandis* in the case of a perimeter survey except that a perimeter survey counts as ten days work on each claim in the group.



- (6) Where a perimeter survey is made under subsection 3, the price or rental shall be computed on the total area of the claims within the perimeter survey, and, where the average area of the claims within the perimeter survey exceeds by more than five acres the area prescribed for a mining claim in section 51, the price or rental for the area in excess of that so prescribed is twice the price or rental provided for in this Act, and there shall be performed at least five days work per acre for the excess area. <sup>Price or rental where area exceeds prescribed area</sup>
- (7) Where additional work is required under subsection 6, the Minister may prescribe the time within which such work is to be performed and recorded, and application for patent or lease shall be made within the time so prescribed. <sup>Where additional work is required</sup>
- (8) Before a perimeter survey is made, the mining claims proposed to be included in the perimeter survey shall be inspected by an inspector or other officer of the Department who shall prepare and submit to the Minister a report and plan showing the claim posts, legible markings, metal tags, claim lines and any other data useful in determining whether the claims have been properly staked out on the ground, and the survey shall not be directed to be made unless the Minister is satisfied that the requirements of this Act have been complied with. <sup>Mining claims to be inspected before perimeter survey made</sup>
- (9) The fee for an inspection under subsection 8 is \$5 per claim, payable in advance, and the Minister may require the applicant to provide the inspector with suitable transportation to the location of the claims. <sup>Fee</sup>
- (10) Where, after a perimeter survey has been made, one or more of the claims within the perimeter survey is cancelled for any reason or where the holder of a recorded interest ceases to be the holder of an undivided interest in the whole, the survey is void, and thereupon the recorder shall cancel the entry on the record and he shall also cancel the work recorded on account of the survey. <sup>Cancellation of work</sup>

**34.** Section 110 of *The Mining Act* is amended by inserting after "patent" in the first line "lease or licence of occupation", so that the section shall read as follows: <sup>R.S.O. 1960, c. 241, s. 110, amended</sup>

110. Where, upon an application for a patent, lease or licence of occupation of a mining claim in surveyed territory, the Minister is of opinion that a survey is necessary, he may direct that a survey thereof be <sup>Minister may direct survey of claim in surveyed territory</sup>

made at the expense of the applicant, and the survey, unless otherwise ordered, shall comply with the same requirements as a survey of a mining claim in unsurveyed territory.

R.S.O. 1960,  
c. 241, s. 112,  
amended

**35.** Section 112 of *The Mining Act* is amended by adding thereto the following subsection:

Minister  
may direct  
recording  
of work on  
expenditure  
basis

- (2) Where the Minister is satisfied that a mining claim is a Placer Mining Claim under subsection 1, and upon application to him by the licensee, he may direct the recording of work on an expenditure basis, if proof of the actual cost is submitted to him and is accepted by him and if he is satisfied with the type of work and the manner of execution, but the maximum credit for any expenditure shall be one day's work for each \$15 so spent.

R.S.O. 1960,  
c. 241,  
Part IV,  
amended

**36.** Part IV of *The Mining Act* is amended by adding thereto the following section:

Regulations

116. The Lieutenant Governor in Council may make regulations respecting the issue of licences to explore for and leases to produce natural gas and petroleum from Crown lands lying south and east of the River Mattawa, Lake Nipissing and the French River, including,

(a) fees, rents and royalties payable in respect thereof; and

(b) the bonding of licensees and the conditions of forfeiture of bonds.

R.S.O. 1960,  
c. 241,  
Part V,  
re-enacted;  
Part VI,  
repealed

**37.** Parts V and VI of *The Mining Act* are repealed and the following substituted therefor:

## PART V

### EXPLORATORY LICENCES AND DREDGING LEASES

Regulations

117. The Lieutenant Governor in Council may make regulations respecting the issue of licences to explore and leases to dredge or work in any river, stream or lake or lands not covered by water for the purpose of recovering therefrom alluvial gold, platinum, precious stones or any other valuable mineral not in place.

R.S.O. 1960,  
c. 241, s. 134,  
amended

**38.** Section 134 of *The Mining Act* is amended by adding thereto the following subsections:

- (6) Where he is satisfied that there is substantial compliance with the provisions of this Act, the recorder may make an order directing a holder, Recorder may order the removal of witness posts, etc.

(a) to move, remove or alter corner posts and witness posts and the writing or inscribing thereon;

(b) to move or alter claim lines; or

(c) to replace metal tags that have been removed or destroyed after having been affixed to the corner posts,

and the recorder shall set out in the order the time within which the work shall be completed and reported to him.

- (7) Where the work prescribed in an order under subsection 6 has not been completed within the time set out in the order, the recorder may cancel the claim or claims on which the work was to have been done and shall, by registered letter, mailed not later than the next day after the cancellation, notify the holder of his action and the reason therefor Recorder may cancel claim

**39.** Section 136 of *The Mining Act* is repealed.

R.S.O. 1960, c. 241, s. 136, repealed

**40.** Part XII of *The Mining Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 241, Part XII, amended

641a. In this Part, "active service" means active service as determined under the *National Defence Act* (Canada).

Interpretation R.S.C. 1952, c. 184

**41.** Section 652 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 241, s. 652, re-enacted

652. Where lands that include surface rights revert or revest or are surrendered or forfeited under this Act or are declared to be open for disposition under this Act, such lands may be dealt with under *The Public Lands Act*, or any other Act administered by the Minister of Lands and Forests, or the regulations made thereunder. Surface rights on lands forfeited or surrendered R.S.O. 1960, c. 324

**42.** Subsection 2 of section 653 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 241, s. 653, subs. 2, re-enacted

- (2) Where lands or mining rights that are subject to rents or expenditures for development work are held by two or more co-owners and all such rents or expenditures have been paid by one or more of them and the other or others has or have neglected or refused to pay his or their proportion of the rents Procedure to enforce claim for payment of rents or expenditures by one co-owner against another

or



or expenditures for a period of four or more consecutive years, the Commissioner, upon the application of any co-owner or co-owners who has or have paid the rents or met the expenditures for the period of four or more consecutive years immediately prior to the date of the application and upon the receipt of such other information and particulars as he requires, may make an order requiring the delinquent co-owner or co-owners to pay, within three months of the date of the order or such further time as the Commissioner fixes, his or their fair proportion of the rents or expenditures to the co-owner or co-owners who has or have paid all the rents or expenditures, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as are allowed by the Commissioner.

R.S.O. 1960,  
c. 241, s. 656,  
re-enacted

**43.** Section 656 of *The Mining Act* is repealed and the following substituted therefor:

Lands  
forfeited  
to Crown  
R.S.O. 1960,  
cc. 71, 246

656.—(1) Where mining lands or mining rights are forfeited to the Crown under *The Corporations Act* or *The Mortmain and Charitable Uses Act*, or any predecessor thereof, the Minister may cause to be registered in the proper land titles or registry office a notice stating that forfeiture has been effected under that Act and that by reason of such forfeiture the lands or mining rights, and every interest therein, are forfeited to and vested in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture, and, subject to subsection 2, such lands shall be dealt with under this Act.

Opening  
forfeited  
lands,  
etc., for  
prospecting

(2) Mining lands or mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*.

R.S.O. 1960,  
c. 241,  
ss. 665, 666,  
repealed

**44.** Sections 665 and 666 of *The Mining Act* are repealed.

R.S.O. 1960,  
c. 241, s. 668,  
amended

**45.** Section 668 of *The Mining Act* is amended by striking out "665, 666" in the first line, so that the section shall read as follows:

Liability  
for tax  
though not  
on roll

668. Notwithstanding sections 664 and 667, every person and property liable to the acreage tax is liable whether entered in the tax roll or not, and the tax is, without any notice or demand, payable at the time and in the manner provided in this Part.



**46.** Subsection 1 of section 670 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 241, s. 670,  
subs. 1,  
re-enacted

- (1) Where lands or mining rights liable for acreage tax are held by two or more co-owners and all such tax has been paid by one or more of them and the other or others has or have neglected or refused to pay his or their proportion of the tax for a period of four or more consecutive years, the Commissioner, upon the application of any co-owner or co-owners who has or have paid the tax for the period of four or more consecutive years immediately prior to the date of the application and upon the receipt of such other information and particulars as he requires, may make an order requiring the delinquent co-owner or co-owners to pay, within three months of the date of the order or such further time as the Commissioner fixes, his or their fair proportion of the tax to the co-owner or co-owners who has or have paid all the tax, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as are allowed by the Commissioner.

Procedure  
to enforce  
claim for  
payment  
of taxes  
by one  
co-owner  
against  
another

**47.**—(1) Subsection 1 of section 671 of *The Mining Act* is amended by striking out “1st day of October and the 31st day of December” in the second line and inserting in lieu thereof “1st day of January and the 31st day of March” and by striking out “April” in the fifth line and inserting in lieu thereof “June”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 241, s. 671,  
subs. 1,  
amended

- (1) The Deputy Minister shall cause to be prepared between the 1st day of January and the 31st day of March in each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of June next following, shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner or lessee of the property in default and to every person appearing from that search or inquiry to have an interest therein, stating that, unless the total amount of tax and penalties due and payable under this Part are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following; and to the amount so due and payable there shall in every case be added and paid as costs the sum of \$5 for each property.

Defaulters'  
list and  
notice of  
forfeiture

R.S.O. 1960,  
c. 241, s. 671,  
subs. 2,  
amended

(2) Subsection 2 of the said section 671 is amended by striking out "31st day of May" in the first line and inserting in lieu thereof "15th day of July", so that the subsection shall read as follows:

Publication  
of list  
and notice

(2) Not later than the 15th day of July in each year, the Deputy Minister shall cause the list prepared under subsection 1 to be published in one issue of *The Ontario Gazette* and in one issue of a newspaper published in the district or county in which the property is situate, giving notice that, unless the total amount of acreage tax, penalties and costs shown therein are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following.

R.S.O. 1960,  
c. 241, s. 671,  
subs. 4,  
amended

(3) Subsection 4 of the said section 671 is amended by striking out "or for disposition under *The Public Lands Act*" in the third and fourth lines, so that the subsection shall read as follows:

Not open  
for staking

(4) Except as provided in subsection 7, lands and mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act.

R.S.O. 1960,  
c. 241, s. 671,  
subs. 7,  
amended

(4) Subsection 7 of the said section 671 is amended by striking out "or for disposition under *The Public Lands Act*" in the fifth line, so that the subsection shall read as follows:

Opening  
forfeited  
lands, etc.,  
for  
prospecting

(7) The lands and mining rights forfeited to and vested in the Crown under this Part that are mentioned in a notice published in one issue of *The Ontario Gazette* during May of any year are open for prospecting, staking out, sale or lease under this Act at and after 7 o'clock standard time in the forenoon of the 1st day of June next following.

R.S.O. 1960,  
c. 241, s. 673,  
repealed

48. Section 673 of *The Mining Act* is repealed.

R.S.O. 1960,  
c. 241,  
Sched.,  
amended

49. The Schedule to *The Mining Act* is amended by adding thereto the following items:

- |  |        |
|--|--------|
| 27. For consenting to the transfer of a mining lease or any document relating to a lease.....                          | \$1.00 |
| 28. For consenting to the transfer of a licence of occupation or any document relating to a licence of occupation..... | 2.00   |

**50.** Every forfeiture of lands and mining rights heretofore made under Part XIII of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void. <sup>Previous forfeitures validated</sup>

**51.**—(1) This Act, except section 47, comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

(2) Section 47 comes into force on the 1st day of August, 1963. <sup>Idem</sup>

**52.** This Act may be cited as *The Mining Amendment Act*, 1962-63. <sup>Short title</sup>





## CHAPTER 85

## An Act to amend The Mortgage Brokers Registration Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 4 of *The Mortgage Brokers Registration Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 244, s. 4, subs. 1, amended

(2) Subsection 2 of the said section 4 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 244, s. 4, subs. 2, amended

**2.** Subsection 1 of section 7 of *The Mortgage Brokers Registration Act* is amended by striking out "Superintendent" in the first line and in the third line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960, c. 244, s. 7, subs. 1, amended

**3.**—(1) Subsection 1 of section 8 of *The Mortgage Brokers Registration Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 244, s. 8, subs. 1, re-enacted

(1) Where upon a statement made under oath it appears probable to the Registrar that any person has, Investigations

(a) contravened this Act or the *Criminal Code* (Canada) in connection with his business as a mortgage broker; or 1953-54, c. 51 (Can.)

(b) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts, induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage; or

(c) induced or attempted to induce any person to pay or be responsible for the payment of ex-

cessive

cessive or exorbitant fees or expenses in connection with a loan on the security of a mortgage,

the Registrar or such other person as the Superintendent may appoint may make such investigation as the Registrar deems expedient for the due administration of this Act.

R.S.O. 1960,  
c. 244, s. 8,  
subs. 2,  
amended

(2) Subsection 2 of the said section 8 is amended by inserting after "investigation" in the first line "the registrar or".

R.S.O. 1960,  
c. 244, s. 8,  
subs. 4,  
amended

(3) Subsection 4 of the said section 8 is amended by striking out "appointed to make" in the first line and inserting in lieu thereof "making".

R.S.O. 1960,  
c. 244, s. 8,  
subs. 6,  
amended

(4) Subsection 6 of the said section 8 is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,  
c. 244, s. 9,  
subs. 1,  
amended

4.—(1) Subsection 1 of section 9 of *The Mortgage Brokers Registration Act* is amended by striking out "Superintendent" in the first line, in the seventh line and in the twentieth line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,  
c. 244, s. 9,  
subs. 3,  
amended

(2) Subsection 3 of the said section 9 is amended by striking out "Superintendent" in the second line and in the ninth line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,  
c. 244,  
amended

5. *The Mortgage Brokers Registration Act* is amended by adding thereto the following section:

False  
advertising,  
etc.

9a. Where in the opinion of the Registrar any person registered under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material.

R.S.O. 1960,  
c. 244, s. 10,  
subs. 1,  
re-enacted

6. Subsection 1 of section 10 of *The Mortgage Brokers Registration Act* is repealed and the following substituted therefor:

Suspension,  
cancellation,  
etc., of  
registration

(1) If a person registered under this Act has been found to have done any of the things mentioned in clauses *a*, *b* and *c* of subsection 1 of section 8, or if for any other reason the Registrar is of the opinion that his registration is not in the public interest, the Registrar, after giving him an opportunity to be heard, may suspend or cancel or refuse to renew his registration.

**7.** *The Mortgage Brokers Registration Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 244,  
amended

10a.—(1) In determining the granting or refusal of an application for registration or renewal of a registration or the suspension or cancellation of a registration, the Registrar may, and shall when so requested in writing by the applicant or person registered, appoint an advisory board consisting of three members of whom two shall be registered mortgage brokers and the third shall be chairman, which shall hold a hearing and make a report to the Registrar with such recommendations as it deems fit. Advisory  
boards

(2) For the purpose of the hearing, the chairman of the advisory board has and may exercise all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Powers of  
chairman  
  
R.S.O. 1960,  
c. 323

**8.**—(1) Subsection 1 of section 11 of *The Mortgage Brokers Registration Act* is amended by striking out “Superintendent” in the second line and in the third line and inserting in lieu thereof in each instance “Registrar”. R.S.O. 1960,  
c. 244, s. 11,  
subs. 1,  
amended

(2) Subsection 4 of the said section 11 is amended by striking out “his former decision” in the second line and inserting in lieu thereof “the decision of the Registrar”. R.S.O. 1960,  
c. 244, s. 11,  
subs. 4,  
amended

**9.** Subsection 6 of section 12 of *The Mortgage Brokers Registration Act* is amended by striking out “Superintendent” in the second and third lines and inserting in lieu thereof “Registrar”. R.S.O. 1960,  
c. 244, s. 12,  
subs. 6,  
amended

**10.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**11.** This Act may be cited as *The Mortgage Brokers Registration Amendment Act, 1962-63*. Short title





## CHAPTER 86

# An Act to amend The Mothers' and Dependent Children's Allowances Act

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Mothers' and Dependent Children's Allowances Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 247,  
amended

## THE MOTHERS' ALLOWANCES ACT

2.—(1) Clause *c* of section 1 of *The Mothers' and Dependent Children's Allowances Act* is amended by striking out "or his dependent father" in the third line, so that the clause shall read as follows: R.S.O. 1960,  
c. 247, s. 1,  
cl. c,  
amended

(c) "dependent child" means a person who is under eighteen years of age and who resides with his mother in Ontario.

(2) Clause *d* of the said section 1 is repealed.

R.S.O. 1960,  
c. 247, s. 1,  
cl. d,  
repealed

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 247, s. 1,  
cl. g,  
re-enacted

(g) "field worker" means a person employed as such by the Department of Public Welfare or any other employee of the Department whom the Minister designates as such.

3.—(1) Subclause ii of clause *a* of section 2 of *The Mothers' and Dependent Children's Allowances Act* is repealed. R.S.O. 1960,  
c. 247, s. 2,  
cl. a,  
subcl. ii,  
repealed

(2) Clause *b* of the said section 2 is repealed.

R.S.O. 1960,  
c. 247, s. 2,  
cl. b,  
repealed

(3) The said section 2 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 247, s. 2,  
amended

Child  
attending  
secondary  
school  
deemed  
dependent

(2) A child who,

- (a) is more than eighteen years of age;
- (b) resides with his mother in Ontario;
- (c) attends a secondary school; and
- (d) in the opinion of the principal of the school and the Director, is making satisfactory progress with his studies,

shall be deemed to be a dependent child for the purposes of this Act.

R.S.O. 1960,  
c. 247, s. 6,  
re-enacted

4. Section 6 of *The Mothers' and Dependent Children's Allowances Act* is repealed and the following substituted therefor:

Continuation  
of allowances  
in desertion  
cases

- 6. Where a recipient has qualified for an allowance under subclause iii of clause *a* of subsection 1 of section 2 and the deserting husband is later found, a regional administrator may, in his discretion, continue payment of the allowance for a period of not more than three months from the first day of the month following the month in which he is found.

R.S.O. 1960,  
c. 247, s. 13,  
cl. *a*,  
repealed

5. Clause *a* of section 13 of *The Mothers' and Dependent Children's Allowances Act* is repealed.

Commence-  
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Mothers' and Dependent Children's Allowances Amendment Act, 1962-63*.

## CHAPTER 87

## An Act to amend The Municipal Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Municipal Act*, as amended by section 1 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 13, re-enacted

- 13.—(1) When a municipality is incorporated or erected, <sup>Wards</sup> the Municipal Board shall divide a city and may divide any other local municipality into wards, and shall designate the name or number each ward shall bear.
- (2) Upon the application of the council of a local municipality for the division or a new division of the municipality into wards, the Municipal Board, notwithstanding any general or special Act, may divide or redivide the municipality into wards in the manner provided in subsection 1 and shall declare the date when the division or redivision shall take effect. <sup>Application by council</sup>
- (3) A petition of 75 electors in a municipality having not more than 5,000 electors and of 150 electors in a municipality having more than 5,000 electors may be presented to the council of any local municipality requesting the council to make an application to the Municipal Board to divide or redivide the municipality into wards, and, if the council refuses or neglects to make the application within one month after the receipt by the clerk of the petition, the petitioners or any of them may apply to the Municipal Board for the division or a new division of the municipality into wards, and the Municipal Board, notwithstanding any general or special Act, may divide or redivide the municipality into wards in the <sup>Petition of electors</sup>

manner provided in subsection 1 and shall declare the date when the division or redivision shall take effect.

Composition  
of local  
boards

- (4) Where a municipality is divided or redivided into wards under this section, the Municipal Board, notwithstanding any general or special Act, may make all such provisions for the composition of any local board as defined in *The Department of Municipal Affairs Act* and for the number of members to be elected to any such local board from each ward as the Municipal Board may deem necessary.

R.S.O. 1960,  
c. 274

R.S.O. 1960,  
c. 249, s. 34,  
subs. 1,  
cl. a,  
amended

2. Clause *a* of subsection 1 of section 34 of *The Municipal Act*, as amended by section 2 of *The Municipal Amendment Act, 1961-62*, is further amended by inserting after "of" in the sixth line "such", so that the clause shall read as follows:

- (a) is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality, or is the wife or husband of such a householder and who resides in or within five miles of the municipality.

R.S.O. 1960,  
c. 249, s. 35,  
subs. 1, cl. r,  
amended

3.—(1) Clause *r* of subsection 1 of section 35 of *The Municipal Act* is amended by adding at the end thereof "or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*", so that the clause shall read as follows:

- (r) a person who, either himself or by or with or through another, has any claim, action or proceeding against the corporation, but this clause does not apply with respect to any moneys paid or payable to a member of a council under section 203, 212, 405, 406, 407 or 409 or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*.

R.S.O. 1960,  
cc. 23, 223

R.S.O. 1960,  
c. 249, s. 35,  
subs. 1, cl. s,  
amended

(2) Clause *s* of subsection 1 of the said section 35 is amended by adding at the end thereof "but this clause does not apply with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*", so that the clause shall read as follows:

- (s) a person who, either himself or by or with or through another, is counsel or solicitor in the prosecution of any claim, action or proceeding against the corporation or in opposing or defending any claim,

action



action or proceeding by the corporation, but this clause does not apply with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*. R.S.O. 1960, c. 23, s. 223

4. Clause *d* of subsection 1 of section 37 of *The Municipal Act* is amended by inserting after "tenant" in the sixth line "and who resides in or within five miles of the municipality", R.S.O. 1960, c. 249, s. 37, subs. 1, cl. d, amended so that the clause shall read as follows:

- (*d*) rated or entitled to be rated to the amount herein-after mentioned on the last revised assessment roll of the local municipality for land held in his or her own right as owner or tenant or who is the wife or husband of the person so rated or entitled to be rated for land as owner or tenant and who resides in or within five miles of the municipality, or who is entered or was entitled to be entered on such roll as a farmer's son, farmer's daughter or farmer's sister or who is the wife of a person who is entered or was entitled to be entered on such roll as a farmer's son; or

. . . . .

5. Subsection 1 of section 131 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 131, subs. 1, re-enacted

- (1) Every person who wilfully and maliciously destroys, injures, obliterates or removes or causes to be destroyed, injured, obliterated or removed a warrant for holding an election, a poll book, voters' list, certificate, affidavit or other document or paper made, prepared or drawn according to or for the purpose of meeting any requirement of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. Persons unlawfully destroying, etc., documents relating to elections, etc.

6. Subsection 6 of section 149 of *The Municipal Act* is amended by striking out "elect" in the fourth line and inserting in lieu thereof "appoint", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 149, subs. 6, amended

- (6) If all the aldermen or councillors were elected by acclamation, or if no candidate takes the vacant office under the preceding provisions of this section, the council shall forthwith appoint a person to fill the vacancy for the remainder of the term of the member whose seat has become vacant. When council person to fill vacancy

R.S.O. 1960,  
c. 249, s. 150,  
subs. 1,  
amended

7.—(1) Subsection 1 of section 150 of *The Municipal Act* is amended by striking out “elect” in the fourth line and inserting in lieu thereof “appoint”, so that the subsection shall read as follows:

Vacancy in  
office of  
mayor,  
reeve or  
deputy  
reeve

(1) Where the office of mayor, reeve or deputy reeve becomes vacant in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the council shall appoint one of their number to fill the office for the remainder of the term.

R.S.O. 1960,  
c. 249, s. 150,  
subs. 3,  
amended

(2) Subsection 3 of the said section 150 is amended by striking out “elect” in the fifth line and inserting in lieu thereof “appoint”, so that the subsection shall read as follows:

Vacancy in  
office of  
alderman or  
councillor  
where  
election is  
not by  
general vote

(3) Where a vacancy occurs in the office of alderman or councillor where aldermen or councillors are not elected by general vote and an election has not been ordered in a judicial proceeding, the council, at a meeting called for that purpose, shall appoint a person to fill the vacancy for the unexpired term of the member whose seat has become vacant.

R.S.O. 1960,  
c. 249, s. 184,  
subs. 1,  
amended

8. Subsection 1 of section 184 of *The Municipal Act* is amended by inserting after “municipality” in the second line “after an annual or biennial election, as the case may be”, so that the subsection shall read as follows:

First  
meeting of  
council,  
local  
municipality

(1) The first meeting of the council of a local municipality after an annual or biennial election, as the case may be, shall be held on the second Monday in January at 11 o'clock in the forenoon or at such hour as may be fixed by by-law, or on such day prior to the second Monday in January and at such hour as may be fixed by by-law.

R.S.O. 1960,  
c. 249, s. 239,  
re-enacted

9. Section 239 of *The Municipal Act* is repealed and the following substituted therefor:

Tenure of  
office

239.—(1) Subject to subsection 2, all officers appointed by a council shall hold office during the pleasure of the council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act or by by-law of the council.

Dismissal  
of officers

(2) No clerk, treasurer, engineer, assessor or assessment commissioner shall be dismissed from office except after a hearing by the council or a committee of the whole council if requested by the officer concerned.

**10.** *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 249,  
amended

248c.—(1) Subject to the approval of the Department, where a municipality or local board, as defined in paragraph 59 of section 377, makes contributions to a pension, superannuation or benefit fund or plan established under any general or special Act, excluding *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*, the municipality or local board may, Pension plans,  
consolidation  
and  
termination  
  
R.S.O. 1960,  
cc. 392, 301,  
332

(a) discontinue the contributions to;

(b) terminate the provisions of; or

(c) transfer to another such fund or plan the assets of,

the pension, superannuation or benefit fund or plan with respect to all or part of the employees to whom the fund or plan is applicable.

(2) Notwithstanding any general or special Act, the terms and conditions of a pension, superannuation or benefit fund or plan to which a municipality or local board, as defined in paragraph 59 of section 377, makes contributions, excluding a fund or plan established under *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*, shall not be altered, amended or repealed, on or after the day this section comes into force, without the approval of the Department. amend-  
ments, etc.

(3) Notwithstanding any general or special Act, where an employee, as defined in paragraph 59 of section 377, on or after the 1st day of March, 1948, has become or becomes a member of, Transfer  
from pension  
fund

(a) the civil service of Ontario or Canada;

(b) the civic service of any other municipality or local board; or

(c) the staff of any board, commission or public institution established under any Act of the Legislature,

the municipality or local board shall, on the written request of the employee, authorize the transfer of a sum of money that is equal to the present value of the benefits otherwise payable to or with respect to the employee for service to the date of transfer under a superannuation or pension fund or plan to which the municipality or local board makes contributions under any general or special Act to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

Transfer to  
pension\_fund

- (4) Notwithstanding any general or special Act, where a member of,
- (a) the civil service of Ontario or Canada;
  - (b) the civic service of any other municipality or local board; or
  - (c) the staff of any board, commission or public institution established under any Act of the Legislature,

on or after the 1st day of March, 1948, has become or becomes an employee, as defined in paragraph 59 of section 377, and a sum of money at the credit of the member in a superannuation or pension fund or plan maintained for members of such civil or civic service or staff is transferred to a fund or plan maintained to provide pension benefits for employees of the municipality or local board, the sum of money so transferred shall be applied for the benefit of the employee in accordance with the terms of the fund or plan to which the sum is transferred.

Refund

- (5) Where a sum of money is transferred in accordance with subsection 3 or 4 to a fund or plan and the employee or member is entitled to a refund under such fund or plan, only that portion of the sum so transferred that is attributable to contributions made by the employee or member as determined by the employer responsible for the administration of the fund or plan from which the sum is transferred may be refunded to the employee or member, and the remainder shall be credited to the fund or plan to which the sum is transferred.



**11.**—(1) Subsection 1 of section 249 of *The Municipal Act* is amended by striking out “iron” in the fourth line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 249, s. 249,  
subs. 1,  
amended

- (1) The council of a city may grant to any person, upon such terms and conditions as may be deemed expedient, the exclusive right to place and maintain, for any period not exceeding ten years, waste-paper boxes on the street corners or elsewhere in the city, under and subject to the direction of the city engineer and the approval of the council. Exclusive  
right to  
maintain  
waste-paper  
boxes on  
streets

(2) Subsection 2 of the said section 249 is amended by striking out “and painted” in the third line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 249, s. 249,  
subs. 2,  
amended

- (2) The location of the boxes is subject to change from time to time at the expense of the grantee, by whom the boxes shall be kept clean and the collections therein removed to the satisfaction of the city engineer and as often as he may direct. Location  
of boxes

(3) Clause *b* of subsection 3 of the said section 249 is amended by striking out “painting” in the first line and inserting in lieu thereof “placing”, so that the clause shall read as follows: R.S.O. 1960,  
c. 249, s. 249,  
subs. 3, cl. b,  
amended

- (*b*) allow the placing of advertisements thereon and regulate the wording thereof and prohibit the placing of objectionable matter thereon.

**12.** Subsection 2 of section 286 of *The Municipal Act*, as amended by subsection 1 of section 10 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following clauses: R.S.O. 1960,  
c. 249, s. 286,  
subs. 2,  
amended

- (*ma*) agreements respecting maintenance and operation of ambulances under paragraph 88*c* of subsection 1 of section 379;

. . . . .

- (*ra*) agreements for furnishing public bus transportation under paragraph 88*a* of subsection 1 of section 379.

**13.**—(1) Subsection 2 of section 298 of *The Municipal Act* is amended by inserting after “special” in the second line “bank”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 249, s. 298,  
subs. 2,  
amended

- (2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special bank Investments  
and income

R.S.O. 1960,  
c. 408

account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1960,  
c. 249, s. 298,  
amended

(2) The said section 298 is amended by adding thereto the following subsection:

Consolidated  
bank account

(2a) The council may by by-law provide that, instead of a separate bank account being kept for each reserve fund, a consolidated bank account may be kept in which there may be deposited the moneys raised for all reserve funds established under this section but which consolidated bank account shall be so kept that it will be possible to determine therefrom the true state of each reserve fund.

R.S.O. 1960,  
c. 249, s. 299,  
subs. 2,  
re-enacted

14. Subsection 2 of section 299 of *The Municipal Act* is repealed and the following substituted therefor:

Special bank  
account

(2) Such contributions shall be paid into a special bank account, and subsections 2 and 2a of section 298 apply *mutatis mutandis* thereto.

R.S.O. 1960,  
c. 249, s. 377,  
par. 11,  
re-enacted

15.—(1) Paragraph 11 of section 377 of *The Municipal Act* is repealed and the following substituted therefor:

Officers  
becoming  
members of  
association  
for  
improving  
technical  
knowledge

11. For any of the corporation's elected or appointed officers becoming members of any municipal union or association, for extending and improving the technical skill of such municipal officers in the discharge of their municipal duties, and for paying the whole or part of the fees for such membership, or for tuition of officers or employees enrolled in any course of instruction sponsored by such union or association, and for paying the expenses of such officers attending any meeting of such union or association or upon its business.

R.S.O. 1960,  
c. 249, s. 377,  
amended

(2) The said section 377 is amended by adding thereto the following paragraph:

Obstruction  
of drains

17a. For prohibiting the obstruction of any drain or watercourse, and for permitting and regulating the size and mode of construction of culverts and bridges that cross any drain or watercourse situated on a highway under its jurisdiction.

R.S.O. 1960,  
c. 249, s. 377,  
par. 59,  
cls. h, i,  
repealed

(3) Clauses h and i of paragraph 59 of the said section 377 are repealed.

(4) Paragraph 67 of the said section 377 is amended by striking out "provided a fee is charged and collected for such parking" in the seventh and eighth lines, so that the paragraph, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 249, s. 377  
par. 67,  
amended

67. For acquiring, establishing, laying out and improving land, buildings and structures where vehicles may be parked, and for erecting buildings or structures for or in connection with the parking of vehicles in, on or under any land vested for any purpose in a municipality, and for leasing such land, buildings or structures, and for regulating, supervising and governing the parking of vehicles therein or thereon. Municipal  
parking  
lots

(5) Clause *e* of paragraph 68 of the said section 377 is amended by striking out "with the approval of the Department" in the third line, so that the clause shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 68, cl. *e*,  
amended

(*e*) The members may be paid such salary or other remuneration as may be fixed by by-law of the council. Salary of  
members

(6) Clause *g* of paragraph 68 of the said section 377 is repealed. R.S.O. 1960,  
c. 249, s. 377,  
par. 68, cl. *g*,  
repealed

**16.—**(1) Paragraph 30 of subsection 1 of section 379 of *The Municipal Act* is amended by adding at the end thereof "or to any person under such age as the by-law may prescribe", so that the paragraph shall read as follows: R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 30,  
amended

30. For regulating the sale of fireworks and for prohibiting the sale of fireworks on any day or days during the year or to any person under such age as the by-law may prescribe. Sale of  
fireworks

(2) Paragraph 73 of subsection 1 of the said section 379 is repealed. R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 73,  
repealed

(3) Subsection 1 of the said section 379 is amended by adding thereto the following paragraphs: R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
amended

88*b*. Where the local board of health does not provide an ambulance under section 29 of *The Public Health Act*, for acquiring, maintaining and operating ambulances for the conveyance of persons suffering from disease or accident to a hospital or other place, and for fixing and charging fees therefor. Ambulances  
R.S.O. 1960,  
c. 321

88*c*. For entering into agreement with any person for a period not exceeding five years to maintain and operate ambulances for the purpose of conveying Agreement  
to operate  
ambulance  
service



persons suffering from disease or accident to a hospital or other place at such rates or charges and on such other terms and conditions, including the payment of an annual subsidy to such person, as may be agreed upon.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 94,  
re-enacted

(4) Paragraph 94 of subsection 1 of the said section 379 is repealed and the following substituted therefor:

Encroachment  
on  
highway for  
refacing

94. For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.

(a) A by-law permitting an encroachment or further encroachment of more than four inches from the limit of the highway does not take effect until it has been approved by the Department.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 135  
(1960-61,  
c. 59, s. 15,  
subs. 4),  
re-enacted

(5) Paragraph 135 of subsection 1 of the said section 379, as enacted by subsection 4 of section 15 of *The Municipal Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Licensing  
and  
regulating  
self-service  
laundries,  
etc.

135. For regulating and governing laundretérias and washing machines, dryers and dry cleaning machines for use by the public, including coin-operated washing machines, dryers and dry cleaning machines, and for licensing, regulating and governing persons carrying on the business of making available to the public the use of any such services or machines, and for revoking such licences.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 2,  
amended

(6) Subsection 2 of the said section 379 is amended by inserting after "under" in the first line "paragraph 23 or", so that the subsection shall read as follows:

Certain  
by-laws of  
townships

(2) A by-law passed by the council of a township under paragraph 23 or any of paragraphs 32 to 43 of subsection 1 may be made applicable to the township or one or more defined areas thereof as set out in the by-law.

R.S.O. 1960,  
c. 249, s. 380,  
re-enacted

17. Section 380 of *The Municipal Act* is repealed and the following substituted therefor:

Interpre-  
tation

380.—(1) In this section,

(a) "benefit" means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or derivable from



the construction of sewage works or water works, and

- (i) "immediate benefit" means the benefit that accrues and is derived or derivable immediately upon completion of the works, and
- (ii) "deferred benefit" means the benefit that accrues upon completion of the works but which is not derived or derivable therefrom until a sewer or water main upon which the land will abut is constructed as part of the works;
- (b) "capital cost" means the cost of constructing sewage works or water works, inclusive of all items of cost usually and properly chargeable to capital account;
- (c) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (d) "sewage service rate" means a charge for the operation, repair and maintenance of sewage works and includes a charge for depreciation, deferred maintenance or a reserve fund for any such purpose;
- (e) "sewage works" means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works;
- (f) "sewer rate" means a charge for the capital cost of sewage works;
- (g) "water works" means any works for the collection, production, treatment, storage, supply or distribution of water, or any part of any such works;
- (h) "water works rate" means a charge for the capital cost of water works.

- (2) Subject to the approval of the Municipal Board <sup>Sewer, water works rate</sup> first being obtained, the council of a local municipality, in authorizing the construction of sewage

works or water works, may by by-law provide for imposing upon owners or occupants of land who derive or will or may derive a benefit from the sewage works or water works a sewer rate or a water works rate, as the case may be, sufficient to pay for the whole or such portion or percentage of the capital cost of the works as the by-law may specify, and, with the like approval, such by-law may from time to time be amended or repealed.

Special  
assessment  
under  
R.S.O. 1960,  
c. 223

- (3) Where a sewer rate or water works rate is imposed under subsection 2, no part of the capital cost of the works shall be specially assessed under *The Local Improvement Act*.

Land in  
respect of  
which rate  
imposed

- (4) A by-law passed under subsection 2 shall designate the land for which the owners or occupants are made liable for the sewer rate or water works rate imposed, and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

Idem

- (5) The land designated under subsection 4 may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.

Rate for  
deferred  
benefit

- (6) Where a sewer rate or water works rate is imposed for a deferred benefit, it shall be changed to a rate imposed for immediate benefit as soon as the immediate benefit is derived or derivable.

Computation  
of sewer  
rate

- (7) A sewer rate shall be computed by any or all or any combination of the following methods:
- (a) A foot frontage rate on the lands that receive an immediate benefit from the work.
  - (b) A foot frontage rate on the lands that receive a deferred benefit from the work.
  - (c) An acreage rate or rates on any or all of the lands designated under subsection 4, which rates may differ as between lands that will receive an immediate benefit and lands that will receive a deferred benefit.
  - (d) A mill rate on the assessed value of the lands designated under subsection 4.

(e)

- (e) A rate on that portion of the lands designated under subsection 4 that is connected to the sewage works based on the water rates or charges charged or chargeable in respect of such lands.
- (8) A water works rate shall be computed by any or all <sup>Computation of water works rate</sup> or any combination of the methods referred to in clauses *a* to *d* of subsection 7.
- (9) The revenue derived in any year from a rate imposed <sup>Revenue from rates</sup> under subsection 2 shall be applied and used towards payment of principal and interest due in that year upon debentures issued for the works for the capital cost of which the rate is imposed, and the council shall reduce the amount of the debenture rate to be levied for such debentures in any year upon the rateable property liable therefor by the amount of revenue estimated to be derived in that year from the rate.
- (10) Where in a local municipality there is land that has <sup>Sewer or water works rate for cost of existing works</sup> not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing sewage works or water works except in the same manner and to the same extent as all other owners or occupants of land within the municipality have been or are assessable or taxed and a sewer or water main forming part of such existing sewage works or water works is to be constructed by means of which an immediate benefit from the existing works accrues to the owners or occupants of such land, the council may, by by-law passed with the approval of the Municipal Board, provide for imposing upon the owners or occupants so benefited a sewer rate or water works rate sufficient to pay for such portion or percentage of the capital cost of the existing sewage works or water works as the by-law may specify.
- (11) A rate may be imposed under subsection 10 not- <sup>Idem</sup>withstanding that the capital cost of the existing works has in whole or in part been paid.
- (12) The revenue from the sewer rate or water works rate <sup>Revenue from rates imposed under subs. 10</sup> imposed under subsection 10 if not required for payment of any part of the outstanding capital cost of the existing sewage works or water works shall be applied and used only for future capital improvements of the existing sewage works or water works, as the case may be.

Rate under  
subs. 10 in  
addition to  
rate under  
subs. 2

- (13) A rate imposed under subsection 10 shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the works to be constructed to form part of the existing works.

Rate  
structure

- (14) The council of a local municipality for the purposes of subsections 2 and 10 may, by by-law passed with the approval of the Municipal Board, establish a sewer rate structure or a water works rate structure upon which the sewer rates or water works rates imposed under subsection 2 or 10 shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and, with the like approval, a by-law establishing the rate structure may from time to time be amended or replaced.

Sewage  
service rate

- (15) The council of a local municipality may by by-law provide for imposing upon owners or occupants of land who use sewage works a sewage service rate.

Idem

- (16) A sewage service rate may be imposed under subsection 15 notwithstanding that,

(a) a sewer rate has also been imposed with respect to the capital cost of the same works; and

R.S.O. 1960,  
c. 223

(b) the work with respect to which it is imposed was constructed under *The Local Improvement Act* or any other general or special Act.

Sewage  
service rate  
structure

- (17) The council of a local municipality for the purposes of subsection 15 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just.

Collection  
of rates

- (18) The council of a local municipality may by by-law establish systems for,

(a)



- (a) fixing times, periods and frequencies at and for which sewer rates or water works rates imposed under subsection 2 or 10 and sewage service rates imposed under subsection 15 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
  - (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
  - (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;
  - (d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;
  - (e) any other relevant matter or thing.
- (19) The council of a local municipality may by by-law <sup>Idem</sup> require any public utilities commission or local board that supplies water to the inhabitants of the municipality to collect such portion of any sewer rate or sewage service rate as is computed by the method referred to in clause e of subsection 7.
- (20) A sewer rate or water works rate imposed under subsection 2 or 10 and a sewage service rate imposed under subsection 15 upon any owner or occupant of land is a lien and charge upon the land, and, if the rate or any part thereof remains unpaid after due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll, and the collector shall proceed to collect it in the same way, as nearly as may be, as municipal taxes are collectable. <sup>Rates a charge on land</sup>

18. Subsection 1 of section 406 of *The Municipal Act* is <sup>R.S.O. 1960, c. 249, s. 406, subs. 1, re-enacted</sup> repealed and the following substituted therefor:

- (1) The council of a local municipality may pass by-laws <sup>Annual remuneration of councillors</sup> for paying the members of council an annual allowance as follows:

(a)

- (a) where the population exceeds 300,000, an annual allowance not exceeding \$4,000;
- (b) where the population exceeds 200,000 but is less than 300,000, an annual allowance not exceeding \$3,500;
- (c) where the population exceeds 120,000 but is less than 200,000, an annual allowance not exceeding \$3,000;
- (d) where the population exceeds 80,000 but is less than 120,000, an annual allowance not exceeding \$2,500;
- (e) where the population exceeds 50,000 but is less than 80,000, an annual allowance not exceeding \$2,000;
- (f) where the population exceeds 20,000 but is less than 50,000, an annual allowance not exceeding \$1,500;
- (g) where the population exceeds 10,000 but is less than 20,000, an annual allowance not exceeding \$1,000;
- (h) where the population exceeds 5,000 but is less than 10,000, an annual allowance not exceeding \$750;
- (i) where the population is 5,000 or less, an annual allowance not exceeding \$350.

Effect of  
decrease in  
population

- (1a) A decrease in the population of a local municipality of not more than 7 per cent does not invalidate a by-law passed under subsection 1 by such municipality.

R.S.O. 1960,  
c. 249, s. 523,  
repealed

**19.** Section 523 of *The Municipal Act* is repealed.

R.S.O. 1960,  
c. 249, s. 525,  
re-enacted

**20.** Section 525 of *The Municipal Act* is repealed and the following substituted therefor:

Forms

525. Where the forms therefor are not prescribed by this Act, the Department may prescribe forms of by-laws, notices and other proceedings to be passed, given or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding that is in substantial conformity with the form as prescribed by this Act or the Department and that

is

is not calculated to mislead is not open to objection on the ground that it is not in accordance with the form so prescribed.

**21.** Form 1 of *The Municipal Act* is amended by striking out paragraph 1 and inserting in lieu thereof the following: R.S.O. 1960,  
c. 249,  
Form 1,  
amended

1. I am a householder residing in this municipality and am assessed as owner (*or* tenant) of a dwelling or apartment house (*or* part of a dwelling or apartment house separately occupied as a dwelling) or (I am rated on the last revised assessment roll for land held in my right for an amount sufficient to entitle me to be entered on the voters' list and reside in or within five miles of the municipality) or (I am the wife or husband of a householder who resides in the municipality and reside in or within five miles of the municipality).

**22.** Form 23 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 249,  
Form 23,  
re-enacted

FORM 23

(Section 236 (6) )

DECLARATION OF AUDITOR

I, ....., having been appointed auditor for the municipal corporation of ....., promise and declare that I will faithfully perform the duties of that office according to the best of my judgment and ability; and I do solemnly declare that I had not, directly or indirectly, any share or interest in any contract or employment (except that of auditor, *if reappointed*) with, by or on behalf of such municipal corporation during the year preceding my appointment, and that I have not any such contract or employment except that of auditor or other than for services within my professional capacity.

**23.**—(1) This Act, except section 18, comes into force on the day it receives Royal Assent. Commence  
ment

(2) Section 18 shall be deemed to have come into force on the 1st day of January, 1960. Idem

**24.** This Act may be cited as *The Municipal Amendment Act, 1962-63*. Short title





## CHAPTER 88

**An Act to amend  
The Municipal Unconditional Grants Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 8a of *The Municipal Unconditional Grants Act*, as enacted by section 1 of *The Municipal Unconditional Grants Amendment Act, 1960-61*, is amended by inserting after “sections” in the seventh line “and the total amount of any premiums paid by the municipality to the Hospital Services Commission of Ontario in that year to insure indigents in the municipality”, so that the subsection shall read as follows:

- (1) In this section, “statutory payments” means the total amount of the payments for charges for treatment of indigent persons and dependants of indigent persons in a hospital required to be made by a municipality with respect to any year by sections 18 and 27 of *The Public Hospitals Act* or the predecessors of such sections, and the total amount of any premiums paid by the municipality to the Hospital Services Commission of Ontario in that year to insure indigents in the municipality, less the total of the amounts recovered by the municipality in respect of such payments under sections 29 and 30 of that Act or the predecessors of such sections.

(2) The said section 8a, as amended by section 1 of *The Municipal Unconditional Grants Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

- (4) In the year 1963, there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated

town in a county, to each county and to each municipality in the territorial districts a grant of 80 per cent of the statutory payments made with respect to the year 1963.

Commence-  
ment

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1963.

Short title

**3.** This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1962-63*.

## CHAPTER 89

# An Act to amend The Municipality of Metropolitan Toronto Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 6 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after “year” in the second line “after elections have been held in the area municipalities”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 260, s. 6,  
subs. 1,  
amended

(1) The first meeting of the Metropolitan Council in each year after elections have been held in the area municipalities shall be held after the councils of all the area municipalities have held their first meetings in the year but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the Metropolitan Council. First  
meeting of  
Metropolitan  
Council

(2) Subsection 2 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 260, s. 6,  
subs. 2,  
re-enacted

(2) Notwithstanding anything in any general or special Act, the first meeting of the council of each area municipality in each year after elections have been held in the area municipalities shall be held not later than the 8th day of January. First  
meeting  
of area  
councils

**2.**—(1) Subsection 1 of section 11 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 260, s. 11,  
subs. 1,  
re-enacted

(1) The chairman may be paid for his services as chairman a sum not exceeding \$18,000 per annum. Remunera-  
tion,  
chairman

(2) Subsection 2 of the said section 11 is amended by striking out “\$1,800” in the third line and inserting in lieu thereof “\$3,000”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 260, s. 11,  
subs. 2,  
amended

members

- (2) The members of the Metropolitan Council, other than the chairman, may be paid such annual or other remuneration, not exceeding \$3,000 per annum, as the Metropolitan Council may determine.

R.S.O. 1960,  
c. 260, s. 24,  
subs. 2, cl. b,  
re-enacted;  
cl. c,  
repealed

3. Clauses *b* and *c* of subsection 2 of section 24 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor:

Two-thirds  
vote  
required, and  
approval of  
Minister

- (b) No by-law establishing a pension plan or a by-law amending such a by-law shall be passed by the Metropolitan Council under this subsection except on an affirmative vote of at least two-thirds of the Metropolitan Council present and voting thereon, and no such by-law shall become operative until approved by the Minister.

R.S.O. 1960,  
c. 260, s. 77,  
amended

4. Section 77 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Supple-  
mentary  
by-law

- (1a) The Metropolitan Corporation may, at any time within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on metropolitan roads supplementing the by-law submitted under subsection 1.

R.S.O. 1960,  
c. 260, s. 78,  
amended

5. Section 78 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Advance  
payments

- (3) Subject to section 77, the Minister may, in his discretion, direct payment to the Metropolitan Corporation under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

R.S.O. 1960,  
c. 260, s. 80,  
cls. e, g,  
re-enacted

6. Clauses *e* and *g* of section 80 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor:

- (e) constructing and maintaining bridges, culverts or other structures, other than sanitary sewers, incidental to the construction of a metropolitan road;

. . . . .

(g)



- (g) constructing and maintaining an approved base for the road surface on a metropolitan road, including the installing and maintaining of approved drainage.

**7.** Subsection 4 of section 110 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 110, subs. 4, re-enacted

- (4) A member shall hold office until his successor is appointed, and, except in the case of the filling of a vacancy occurring during the term of office, a member shall be appointed for a term of three years. Term of office

- (4a) For the purpose of instituting a three-year term on a staggered basis, the Metropolitan Council may designate the terms of office of the members in office on the 30th day of April, 1963. Institution of three-year term

- (4b) The Metropolitan Council may provide that the Commission shall consist of not fewer than three members. Composition of Commission

**8.** Section 116a of *The Municipality of Metropolitan Toronto Act*, as enacted by section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 260, s. 116a, (1961-62, c. 88, s. 10), amended

- (2) The Metropolitan Corporation may contribute to the cost of operating the transportation system operated by the Commission. to operating costs

**9.** *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960, c. 260, amended

- 169a. The amounts that an area municipality are required to pay to provide assistance under *The General Welfare Assistance Act* and that are included for the purpose of computing the contribution by Ontario in respect of such assistance shall be repaid by the Metropolitan Corporation to the area municipality less any amount paid by Ontario in respect of such assistance. General welfare assistance R.S.O. 1960, c. 164

**10.** *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960, c. 260, amended

- 172a. The Metropolitan Corporation may assume and pay 50 per cent of the annual operating deficit of Regent Park South Nursery School for the year 1963 and subsequent years. Regent Park South Nursery School operating deficits

R.S.O. 1960,  
c. 260, s. 210,  
subs. 1, cl. b,  
re-enacted

**11.**—(1) Clause *b* of subsection 1 of section 210 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

- (b) two persons appointed by the Metropolitan Council who are not members of the council of an area municipality.

Present  
members

(2) The present members of the Licensing Commission designated under clause *b* of subsection 1 of section 210 of *The Municipality of Metropolitan Toronto Act* shall remain in office until they or their successors are appointed under the said clause *b* as re-enacted by subsection 1.

R.S.O. 1960,  
c. 260, s. 220,  
subs. 1,  
amended

**12.** Subsection 1 of section 220 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "19" in the second line "21", so that the subsection shall read as follows:

Application  
of R.S.O.  
1960, c. 296,  
to  
Metropolitan  
Corporation

- (1) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of sections 1 to 19, 21, 23 to 25, 28, 33 and 34 of *The Planning Act*, and no area municipality shall be deemed to be a municipality for the purposes of section 7 of *The Planning Act* with respect to the financial requirements of the board of The Metropolitan Toronto Planning Area.

R.S.O. 1960,  
c. 260, s. 255,  
subs. 3,  
re-enacted

**13.**—(1) Subsection 3 of section 255 of *The Municipality of Metropolitan Toronto Act*, as amended by subsection 2 of section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Erection of  
towns, etc.

- (3) Nothing in this Act alters or affects the powers of the Municipal Board under, and the application of, subsections 1 to 6 and 9 of section 11 of *The Municipal Act*.

R.S.O. 1960,  
c. 249

Annexations  
and amal-  
gamations

- (3a) Section 14 of *The Municipal Act* does not apply to any area municipality.

R.S.O. 1960,  
c. 260, s. 255,  
subs. 8a  
(1961-62,  
c. 88, s. 17,  
subs. 3),  
cl. c,  
re-enacted

(2) Clause *c* of subsection 8a of the said section 255, as enacted by subsection 3 of section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- (c) for appointing members of the Metropolitan Toronto Emergency Measures Organization, or of any committee thereof, to be in charge of such departments

or utilities throughout the Metropolitan Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*. R.S.C. 1952,  
c. 288  
1962-63,  
c. 41

**14.** Section 260 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 260, s. 260,  
re-enacted

260. Where in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Metropolitan Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Metropolitan Corporation may impose. Payment of  
damages to  
employees  
R.S.O. 1960  
c. 437

**15.**—(1) This Act, except sections 2 and 9, subsection 1 of section 13 and section 14, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 14 shall be deemed to have come into force on the 1st day of January, 1957. Idem

(3) Subsection 1 of section 13 shall be deemed to have come into force on the 1st day of December, 1961. Idem

(4) Section 2 shall be deemed to have come into force on the 1st day of January, 1963. Idem

(5) Section 9 comes into force on the 1st day of January, 1964. Idem

**16.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1962-63*. Short title





## CHAPTER 90

**An Act respecting the National Radio  
Observatory in the Geographic Town-  
ship of White in the Territorial  
District of Nipissing**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The public lands situate in the geographic Township of White in the Territorial District of Nipissing, designated as Locations GT 148, GT 149, GT 150 and GT 151, containing 95.88 acres, more or less, and shown outlined in red on plans and field notes of survey dated the 26th day of September, 1961, the 29th day of September, 1961, the 29th day of September, 1961, and the 26th day of September, 1961, respectively, signed by C. G. Taylor, Ontario Land Surveyor, of record in the Department of Lands and Forests, Ontario, are placed under the administration and control of Her Majesty the Queen in right of Canada for the maintenance and operation of a national radio observatory. <sup>Administration and control of observatory lands</sup>

2. The public lands mentioned in section 1 shall be used by Her Majesty the Queen in right of Canada, The National Research Council or any agent of either of them only for the maintenance and operation of a national radio observatory, and, upon such public lands being no longer used for the maintenance and operation of a national radio observatory, the administration and control of such public lands shall forthwith revert to Her Majesty the Queen in right of Ontario. <sup>Use of lands</sup>

3. The public lands mentioned in section 1 remain part of Algonquin Provincial Park and shall continue to be under the control and management of the Minister of Lands and Forests for all purposes other than the administration and control mentioned in section 1. <sup>Status of lands</sup>

4. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

5. This Act may be cited as *The National Radio Observatory Act, 1962-63*. <sup>Short title</sup>



## CHAPTER 91

## The Notaries Act, 1962-63

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to section 2, the Lieutenant Governor, upon the recommendation of the Attorney General, may by commission <sup>Appoint-ments</sup> appoint such persons as he thinks fit as notaries public for Ontario. R.S.O. 1960, c. 263, s. 1, *amended*.

2.—(1) Any person, other than a barrister or solicitor, <sup>Examination</sup> being a Canadian citizen, who is desirous of being appointed or re-appointed a notary public, is subject to examination or re-examination, as the case may be, in regard to his qualification for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as is appointed in that behalf by the Lieutenant Governor in Council, and no such person shall be appointed or re-appointed a notary public without a certificate from such judge, or such other person, that he has examined or re-examined the applicant and finds him qualified for the office, and that in his opinion a notary public is needed for the public convenience in the place where the applicant resides and intends to carry on business. R.S.O. 1960, c. 263, s. 5 (1), *amended*.

(2) Where a person, other than a barrister or solicitor, is <sup>Restriction</sup> appointed or re-appointed a notary public, restrictions may be imposed in the commission limiting the territory and cases in which such person may use and exercise his powers. R.S.O. 1960, c. 263, s. 6, *amended*.

3. Subject to subsection 2 of section 2, a notary public has <sup>Powers</sup> and may use and exercise the power of drawing, passing, keeping and issuing all deeds and contracts, charter-parties and other mercantile transactions in Ontario, and also of attesting all commercial instruments that may be brought before him for public protestation, and otherwise of acting as is usual in the office of notary public, and may demand,

receive

receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the calling of notary public. R.S.O. 1960, c. 263, s. 2, *amended*.

Power to  
take  
affidavits

4.—(1) A notary public has and may exercise the powers of a commissioner for taking affidavits in Ontario. R.S.O. 1960, c. 263, s. 3, *amended*.

Need not  
affix seal on  
affidavits,  
etc.

(2) Where a notary public is authorized by any Act of this Legislature to administer oaths or to take affidavits or declarations in Ontario, it is not necessary to the validity of any such oath, affidavit or declaration that he affix his seal thereto. R.S.O. 1960, c. 263, s. 7, *amended*.

Expiry of  
present  
commissions

5.—(1) The commission of every notary public, other than a barrister or solicitor, who was appointed before the 1st day of July, 1963, expires as follows:

1. If the commission is dated before the 1st day of January, 1949, it expires on the 30th day of June, 1964.
2. If the commission is dated after the 1st day of January, 1949, and before the 31st day of December, 1958, it expires on the 30th day of June, 1965.
3. If the commission is dated after the 1st day of January, 1959, and before the 1st day of July, 1963, it expires on the 30th day of June, 1966.

Expiry of  
future  
commissions

(2) The commission of every notary public, other than a barrister or solicitor, who is appointed on or after the 1st day of July, 1963, expires three years after the day on which he was appointed.

Re-appoint-  
ment

(3) Any person whose commission expires under subsection 1 or 2 may be re-appointed from time to time for a period of three years upon the production of a fresh certificate under section 2.

Indication  
of expiry of  
commissions

(4) Every notary public to whom this section applies shall indicate in writing under his signature the date upon which his commission expires. *New*.

Offences,  
notaries

6.—(1) Every notary public who as such exercises any power, performs any function or acts in any way that is not authorized by this Act or that he is not otherwise by law entitled to exercise, perform or do is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500.



(2) Every notary public who fails to comply with any <sup>Idem</sup> restriction imposed in his commission under subsection 2 of section 2 or who fails to comply with subsection 4 of section 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500.

(3) Every person who carries on business as a notary public <sup>Idem, other persons</sup> or who holds himself out as such or who, not being otherwise authorized by law, performs any function of a notary public without a subsisting commission under this Act or any predecessor of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000. *New.*

**7.**—(1) Upon the disbarment of a barrister or the striking <sup>Revocation of appointment upon disbarment, etc.</sup> off the roll of a solicitor who holds an appointment as a notary public, the Lieutenant Governor shall revoke his appointment as a notary public. R.S.O. 1960, c. 263, s. 8, *amended.*

(2) The Lieutenant Governor may revoke the commission <sup>Revocation of commission upon conviction for offence</sup> of a notary public upon his conviction for an offence against this Act or for any other conduct that in the opinion of the Lieutenant Governor, upon the recommendation of the Attorney General, renders him unfit to hold the office of notary public. *New.*

**8.** The Lieutenant Governor in Council may make regula- <sup>Regulations</sup> tions,

(a) prescribing the fee to be paid upon appointment or re-appointment as a notary public or any class thereof; 1961-62, c. 89, s. 1, *amended.*

(b) prescribing the fee that the judge or other person examining is entitled to receive from a person examined or re-examined under section 2; R.S.O. 1960, c. 263, s. 5 (2), *part, amended.*

(c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

**9.** *The Notaries Act* and *The Notaries Amendment Act*, <sup>R.S.O. 1960, c. 263; 1961-62, c. 89, repealed</sup> 1961-62 are repealed.

**10.** This Act comes into force on the 1st day of July, 1963. <sup>Commencement</sup>

**11.** This Act may be cited as *The Notaries Act, 1962-63.* <sup>Short title</sup>



## CHAPTER 92

**An Act to amend The Nurses Act, 1961-62***Assented to April 26th, 1963**Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of section 1 of *The Nurses Act, 1961-62* is <sup>1961-62, c. 90, s. 1, cl. a, amended</sup> amended by inserting after "Nurses" in the first line "of Ontario", so that the clause shall read as follows:

(a) "College" means the College of Nurses of Ontario established under this Act.

**2.—(1)** Section 2 of *The Nurses Act, 1961-62* is amended <sup>1961-62, c. 90, s. 2, amended</sup> by inserting after "Nurses" in the first line "of Ontario", so that subsection 1 of the said section shall read as follows:

(1) There shall be a college known as the College of Nurses of Ontario which shall be a corporation without share capital.

(2) The said section 2 is further amended by adding thereto <sup>1961-62, c. 90, s. 2, amended</sup> the following subsection:

(2) Every registered nurse is a member of the College. <sup>Members</sup>

**3.** Section 6 of *The Nurses Act, 1961-62* is amended by <sup>1961-62, c. 90, s. 6, amended</sup> striking out "and" at the end of clause *k* and by adding thereto the following clause:

(m) providing for the appointment, composition, powers and duties of the Educational Advisory Committee.

**4.** *The Nurses Act, 1961-62* is amended by adding thereto <sup>1961-62, c. 90, amended</sup> the following section:

**6a.—(1)** There shall be an Educational Advisory Committee to advise the Council with respect to matters pertaining to schools of nursing and training centres. <sup>Educational Advisory Committee</sup>

Regulations  
in schools  
of nursing,  
etc.

- (2) Any regulation made by the Council pursuant to section 6 that pertains to schools of nursing and training centres shall be submitted to the Educational Advisory Committee at least thirty days before it is submitted to the Lieutenant Governor in Council for approval.

Commence-  
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Nurses Amendment Act, 1962-63*.



## CHAPTER 93

## An Act to amend The Oleomargarine Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Oleomargarine Act* is amended by <sup>R.S.O. 1960, c. 268, s. 4, amended</sup> inserting after "degrees" in the second line "and less than ten and one-half degrees", so that the section shall read as follows:

4. No oleomargarine shall have a tint or shade contain- <sup>Colouring</sup> ing more than one and six-tenths degrees and less than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale read under conditions substantially similar to those established by the United States Bureau of Internal Revenue, or the equivalent of such measurement.

2. Section 5 of *The Oleomargarine Act* is amended by <sup>R.S.O. 1960, c. 268, s. 5, amended</sup> striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

- (c) the kinds of refined oil forming an ingredient in the oleomargarine and the percentage that each kind is of the total refined oil.

3. Section 9 of *The Oleomargarine Act* is amended by <sup>R.S.O. 1960, c. 268, s. 9, amended</sup> adding thereto the following clauses:

- (da) requiring and providing for the keeping of records by manufacturers and wholesalers;

- (db) respecting the marking and labelling of packages in which oleomargarine is contained.

4.—(1) This Act, except sections 2 and 3, comes into force <sup>Commence-  
ment</sup> on the day it receives Royal Assent.

Idem

(2) Sections 2 and 3 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**5.** This Act may be cited as *The Oleomargarine Amendment Act, 1962-63*.

## CHAPTER 94

# An Act to provide for the Establishment of an Ontario Food Council

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "agricultural food product" means any article of food or drink designated in the regulations as an agricultural food product;
- (b) "agricultural product" means any natural product of agriculture produced in Ontario, and includes any article of food or drink, manufactured or derived in whole or in part from any natural product of agriculture, that is designated in the regulations as an agricultural product;
- (c) "Food Council" means The Ontario Producers, Processors, Distributors and Consumers Food Council;
- (d) "Minister" means the Minister of Agriculture;
- (e) "regulations" means the regulations made under this Act.

**2.—(1)** There shall be a council to be known as "The Ontario Producers, Processors, Distributors and Consumers Food Council" which shall consist of not fewer than five members appointed by the Lieutenant Governor in Council. The Ontario Producers, Processors, Distributors and Consumers Food Council

(2) The Lieutenant Governor in Council may designate one of the members as chairman and one as vice-chairman of the Food Council. Chairman, vice-chairman

(3) A majority of the members of the Food Council constitutes a quorum.

Food  
Council  
composed  
of sections

(4) The Food Council shall be composed of sections, including,

- (a) a fresh and processed fruit and vegetable products section;
- (b) a dairy and poultry products section;
- (c) a meat products section; and
- (d) a cereal grains products section.

Officers  
and  
employees

(5) The Lieutenant Governor in Council may appoint such officers, clerks and employees as are necessary for the conduct of the affairs of the Food Council.

Expenses

(6) The members of the Food Council shall receive such expenses as the Lieutenant Governor in Council determines.

Minister  
may  
designate  
persons in  
public  
service of  
Ontario to  
assist Food  
Council

(7) In the administration of its affairs, the Food Council may be assisted by such persons in the public service of Ontario as the Minister designates for the purpose.

Food Council  
may engage  
services of  
persons

3. The Food Council may engage the services of such persons as are required to carry out the objects of the Food Council.

Objects of  
Food  
Council

4. The objects of the Food Council are,

- (a) to promote methods of ensuring the orderly marketing of agricultural products and agricultural food products;
- (b) to conduct studies of and make reports on crop conditions, import and export markets, domestic markets, tariffs and methods of distribution and sale of agricultural products and agricultural food products;
- (c) to promote research into the development of markets for agricultural products and agricultural food products;
- (d) to stimulate the advertising and promotion of agricultural products and agricultural food products;
- (e) to inquire into and report to the Minister on measures and projects referred to it by the Minister; and

(f)



- (f) to advise the Minister on matters relating to the development of markets for agricultural products and agricultural food products.

5. Subject to the approval of the Minister, the Food Council may, Powers of Food Council

- (a) promote and co-ordinate campaigns to market surpluses of agricultural products and agricultural food products;
- (b) enter into arrangements with any person, partnership or corporation engaged in producing, processing or manufacturing one or more agricultural products or agricultural food products for the purpose of assisting the person, partnership or corporation in carrying out programmes for the development of markets for agricultural products and agricultural food products;
- (c) transact any business necessary for or incidental to any matter under clause *a* or *b*.

6.—(1) The Food Council shall conduct such investigations Investigations as the Lieutenant Governor in Council approves into matters relating to the producing, distributing, processing and handling of agricultural products or agricultural food products.

(2) For the purposes of carrying out an investigation Powers of chairman, vice-chairman in investigation R.S.O. 1960, c. 323 under subsection 1, the chairman or vice-chairman has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

(3) The Food Council may receive complaints and collect Undesirable trade practices data respecting trade practices in the food industry that it deems undesirable and take such steps as are necessary to bring these practices to the notice of the person or persons concerned, and, for the purpose of effecting the discontinuance of such undesirable trade practices, may co-operate with any branch or agency of the Government of Canada or the Government of Ontario.

7. The Food Council may recommend to the Agricultural Research Institute of Ontario projects of research that assist in the carrying out of the intent and purpose of this Act. Food Council may recommend projects to Agricultural Research Institute of Ontario

8.—(1) The Minister, upon the recommendation of the Food Council, may make grants for the purpose of carrying out the objects of the Food Council to any agency, corporation,

organization,

organization, partnership or person engaged in the marketing or distributing of agricultural products or agricultural food products.

**Idem** (2) The grants referred to in subsection 1 are payable out of the moneys appropriated therefor by the Legislature.

**Annual report** **9.**—(1) The Food Council shall make a report annually to the Minister, including a report on its activities and a financial statement certified by the Provincial Auditor and such other matters relating to the work of the Food Council as the Minister requires.

**Tabling** (2) A copy of the report shall be filed with the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

**Fiscal year** **10.** The fiscal year of the Food Council commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

**Regulations** **11.** The Lieutenant Governor in Council may make regulations,

- (a) designating any article of food or drink as an agricultural food product;
- (b) designating any article of food or drink, manufactured or derived in whole or in part from any natural product of agriculture, as an agricultural product;
- (c) providing for the payment of grants and prescribing the terms and conditions thereof;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Commence-  
ment** **12.** This Act comes into force on the day it receives Royal Assent.

**Short title** **13.** This Act may be cited as *The Ontario Producers, Processors, Distributors and Consumers Food Council Act, 1962-63*.

## CHAPTER 95

**An Act to approve an Agreement between the  
Government of Canada and the Government  
of the Province of Ontario  
respecting Public Harbours**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Agreement between the Government of Canada and the Government of the Province of Ontario, set out as the Schedule hereto, is hereby ratified and approved and shall take effect according to its terms.

**2.** A reference by number in Schedule A to the Agreement to a plan attached to that Schedule shall be construed as a reference to the plan of the same number on record in the Department of Transport, Ottawa, and in the Ontario Department of Lands and Forests, Toronto.

**3.** This Act comes into force on the day it receives Royal Assent.

**4.** This Act may be cited as *The Ontario Harbours Agreement Act, 1962-63*.

## SCHEDULE

## AGREEMENT

between

THE GOVERNMENT OF CANADA

and

THE GOVERNMENT OF THE PROVINCE OF ONTARIO

THIS AGREEMENT made this 26th day of September, One thousand nine hundred and sixty-one;

BETWEEN:

THE GOVERNMENT OF CANADA,  
hereinafter referred to as "Canada"

OF THE FIRST PART;

— and —

THE GOVERNMENT OF THE PROVINCE OF ONTARIO  
hereinafter referred to as "Ontario"

OF THE SECOND PART.

WHEREAS by virtue of section 108 and the Third Schedule of the British North America Act, 1867, public harbours in the Province of Ontario became the property of Canada;

AND WHEREAS it is desirable in the public interest that the property belonging to Canada under the designation "public harbours" should be finally ascertained and fixed, and, as a result of negotiations between representatives of Canada and Ontario, it has been mutually agreed upon that certain defined areas in the Province of Ontario are the property of Canada under the said designation;

NOW THIS AGREEMENT WITNESSETH that the parties hereto have mutually agreed, subject to the approval and ratification of the Parliament of Canada and the Legislature of the Province of Ontario, as follows:

1. In this Agreement, the expression "lands" includes all interests in lands, lands covered by water and foreshore lands.

2. It is hereby declared that the harbours as described in Schedule "A" to this Agreement are the Public Harbours in Ontario that are included in the Third Schedule to the British North America Act, 1867, and accordingly it is hereby recognized and further declared that:

(a) subject to clause 3 of this Agreement, all ungranted lands within the harbours as described in Schedule A to this Agreement belong to Her Majesty in right of Canada; and

(b) subject to clause 4 of this Agreement, all ungranted lands not within any harbour as described in Schedule A to this Agreement belong to Her Majesty in right of Ontario.

3. It is hereby further declared that all mines and minerals, including gold and silver and base metals, in, upon or under all lands within the harbours as described in Schedule A to this Agreement are the property of and are vested in Her Majesty in right of Ontario.



4. Nothing in this Agreement affects the title to

- (a) any lands that prior to the date of this Agreement were conveyed or transferred by one party to this Agreement to the other party or any lands the administration and control of which were, prior to the date of this Agreement, transferred by Her Majesty in right of Canada to Her Majesty in right of Ontario or by Her Majesty in right of Ontario to Her Majesty in right of Canada; or
- (b) any lands belonging to Her Majesty in right of Canada at the date of this Agreement and acquired otherwise than by virtue of the Second Item in the Third Schedule to the British North America Act, 1867.

5. It is hereby further declared that all grants and quit-claims by Her Majesty in right of Canada as described in Schedule B to this Agreement are hereby confirmed by Ontario, and that all grants and quit-claims by Her Majesty in right of Ontario as described in Schedule C to this Agreement are hereby confirmed by Canada.

6. This Agreement shall take effect upon being duly approved by the Parliament of Canada and the Legislature of Ontario.

IN WITNESS WHEREOF the Minister of Transport has hereunto set his hand on behalf of the Government of Canada and the Minister of Lands and Forests and the Minister of Mines have hereunto set their hands on behalf of the Government of the Province of Ontario.

Signed on behalf of the Government of Canada  
by the Minister of Transport, in the presence of

(Sgd.) RENEE SIMARD

(Sgd.)  
LEON BALZER

Signed on behalf of the Government of the Province  
of Ontario by the Minister of Lands and Forests,  
in the presence of

(Sgd.) MILDRED DONALDSON

(Sgd.)  
J. W. SPOONER

and by the Minister of Mines, in the presence of

(Sgd.) D. P. DOUGLASS

(Sgd.)  
G. C. WARDROPE

*Schedule A*

## PUBLIC HARBOURS

## AMHERSTBURG

ALL AND SINGULAR that certain parcel or tract of land and lands under the waters of the Detroit River, lying adjacent to the Township of Malden, the Town of Amherstburg and the Township of Anderdon, in the County of Essex and Province of Ontario and being more particularly described as follows:

COMMENCING at a point in the waters of the Detroit River, being the intersection of the International Boundary with the production westerly of the southern boundary of Lot 16, in Concession 1, in the Township of Malden;

THENCE easterly along the production westerly of the said southern boundary of Lot 16, to the high water mark of the Detroit River;

THENCE northerly along the high water mark of the East bank of the Detroit River to its intersection with the northern boundary of Lot 15, in Concession 1, in the Township of Anderdon;

THENCE westerly along the production westerly of the northern boundary of said Lot 15 to the intersection thereof with the International Boundary;

THENCE southerly along the International Boundary to the point of commencement as shown outlined in green on plan number T1785 attached to this Schedule.

## BELLEVILLE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the Bay of Quinte, of Lake Ontario and the Moira River, being a water lot lying in front of part of Lot 2 and in front of Lots 3 and 4, in Concession 1, and in front of Lot 5 and part of Lot 6, in the Broken Front Concession, in the Township of Thurlow, the said Lots now being in the City of Belleville, in the County of Hastings and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the southern boundary of Lot 1 fronting on the East side of South Church Street as shown on the Government Plan in the City of Belleville as having a bearing of North 73 degrees 20 minutes East;

COMMENCING at a point in the production southerly of the eastern limit of Newberry Street as shown on a plan of subdivision registered in the Registry Office for the Registry Division of the County of Hastings as Plan Number 415, the said point being under the waters of the Bay of Quinte and being located as follows:

STARTING at the southwesterly angle of Lot 8, as shown on the Murney Plan in the City of Belleville, the said angle being the intersection of the western boundary of Lot 1, in Concession 1, in the Township of Thurlow with the northern limit of Dundas Street West, as shown on that Plan;

THENCE South 18 degrees 08' minutes 15 seconds East along the said boundary of Lot 1 and the production southerly thereof, a distance of 2493.77 feet;

THENCE North 76 degrees 48 minutes 30 seconds East, a distance of 6672.98 feet, more or less, to a point in the above mentioned production southerly of the eastern limit of Newberry Street, the said point being the point of commencement;

THENCE

THENCE South 76 degrees 48 minutes 30 seconds West, a distance of 5266.43 feet, more or less, to the intersection thereof with the eastern limit of the property of the Department of Highways of Ontario, the said limit being a line drawn parallel to and perpendicularly distant 80 feet measured easterly from the centre line of the Belleville-Prince Edward County Bridge, and shown on Department of Highways Plan P-1463-3;

THENCE North 13 degrees 21 minutes 30 seconds West along the said limit, a distance of 388.18 feet;

THENCE South 76 degrees 38 minutes 30 seconds West, a distance of 50 feet;

THENCE North 13 degrees 21 minutes 30 seconds West along the eastern limit of the property of the Department of Highways of Ontario to the natural High Water Mark of Bushy Island, shown as Lot 75 on the Murney Plan in the City of Belleville;

THENCE in a general easterly and northerly direction along the natural High Water Mark of Bushy Island to the intersection thereof with the eastern limit of the property of the said Department of Highways, as described in an Instrument registered in the Registry Office for the Registry Division of the County of Hastings as No. 161;

THENCE northerly along the said eastern limit to the natural High Water Mark of the Bay of Quinte;

THENCE in a general easterly direction along the natural High Water Mark of the Bay of Quinte and the Moira River to the intersection thereof with a line drawn North 19 degrees 28 minutes 45 seconds West from the point of commencement, the said intersection being distant 1374 feet, more or less, measured South 19 degrees 28 minutes 45 seconds East along the eastern limit of said Newberry Street and the production southerly thereof from the northwesterly angle of Lot 1, as shown on the said Plan No. 415;

THENCE South 19 degrees 28 minutes 45 seconds East, a distance of 3000 feet, more or less, to the point of commencement.

SAVING AND EXCEPTING thereout and therefrom that portion of the Moira River lying North of the southerly side line of the bridge of the Canadian Pacific Railway, crossing the said River near the mouth thereof;

As shown outlined in green on plan Number T1786 attached to this Schedule.

#### BROCKVILLE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the St. Lawrence River, being a water lot lying in front of Lots 9, 10, 11 and 12, and part of Lot 13, and in front of the original allowance for road between Lots 12 and 13, in Concession 1, in the Township of Elizabethtown, the said Lots and allowances for road now being in the City of Brockville, in the County of Leeds and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the western limit of Thomas Street, as shown on the compiled plan of the City of Brockville by Chipman, P.L.S., and filed in the Registry Office for the Registry Division of the County of Leeds as Plan No. 67, which said limit has a bearing of North 30 degrees 17 minutes West;

COMMENCING at the intersection of the International Boundary between Canada and the United States of America with the production southerly of the eastern boundary of said Lot 9, the said intersection being distant 3635.26 feet measured South 30 degrees 34 minutes East

along

along the said boundary and that production from a point distant 28 feet measured easterly along a line drawn perpendicular to the said eastern boundary, from a concrete monument marking the northeasterly corner of Lot 58, in Block 3, as shown on the said compiled plan of the City of Brockville;

THENCE North 30 degrees 34 minutes West along the production southerly of the eastern boundary of Lot 9, a distance of 2633.26 feet to the natural High Water Mark of the North bank of the St. Lawrence River;

THENCE in a general southwesterly direction along the natural High Water Mark of the North bank of the St. Lawrence River to the intersection thereof with the production southerly of the western limit of Thomas Street;

THENCE south 30 degrees 17 minutes East along the production southerly of the western limit of Thomas Street, a distance of 2579.72 feet, more or less, to the said International Boundary;

THENCE northeasterly along the International Boundary, a distance of 6453 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1787 attached to this Schedule.

#### CHATHAM

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of the Thames River, being a water lot lying in front of part of Lot 24, in Concession 1, in the Township of Dover, and in front of part of Lot 1, in Concession 1, in the Township of Chatham, and in front of part of Lot 24, in Concession 1, reckoned on the eastern boundary from the Thames River, in the Township of Raleigh, and in front of part of Lot 1, in 1st Concession on River Thames, in the Township of Harwick, County of Kent and Province of Ontario, the said Lots now being in the City of Chatham, as shown on a plan of the Town of Chatham, by Kirk and Salter, Provincial Land Surveyors, and of record with the Department of Lands and Forests for the Province of Ontario, the said water lot being more particularly described as follows:

COMMENCING at the most southerly angle of Lot 1, in Block 13, as shown on the said plan of the Town of Chatham, the said angle being at the intersection of the northeastern limit of Salter Street and the High Water Mark of the westerly bank of the Thames River;

THENCE southerly in and along the High Water Mark of the westerly bank of the Thames River to the southerly angle of Lot 4, in Block 8, as shown on the said plan of the Town of Chatham;

THENCE southeasterly along the production southeasterly of the southwestern boundary of said Lot 4, across the Thames River to the intersection thereof with the High Water Mark of the easterly bank of the Thames River;

THENCE northerly in and along the High Water Mark of the eastern bank of the Thames River to the intersection thereof with the production southeasterly of the southwestern boundary of Lot 1, in Block 13;

THENCE northwesterly along the last said production southeasterly across the Thames River to the point of commencement;

As shown outlined in green on Plan Number T1788 attached to this Schedule.

#### COLLINGWOOD

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Nottawasaga Bay, of Georgian Bay, of Lake Huron, being a water lot lying opposite Lot 44, in Concession 8 and



Lots 44, 45 and 46, in Concession 9, in the Township of Nottawasaga, the said Lots now being in the Town of Collingwood, in the County of Simcoe and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the southeasterly angle of Lot 46, in Concession 10, in the Township of Nottawasaga;

COMMENCING at the intersection of the High Water Mark of Lake Huron with the western boundary of Lot 46, in Concession 9, in the said Township, the said intersection being distant 1730.73 feet measured North 9 degrees 06 minutes 35 seconds West along the said western boundary from the southwesterly angle of the said Lot;

THENCE North 5 degrees 00 minutes East, a distance of 5000 feet;

THENCE South 60 degrees 00 minutes East, a distance of 4786.5 feet, more or less, to the intersection thereof with the production northwesterly of the eastern limit of Niagara Street as shown on a plan of subdivision registered in the Registry Office for the Registry Division of the County of Simcoe as Plan 282;

THENCE South 30 degrees 34 minutes 35 seconds East along the said production of the eastern limit of Niagara Street, a distance of 5080.37 feet, more or less, to the High Water Mark of Nottawasaga Bay;

THENCE in a general southerly direction along the High Water Mark to the northwesterly limit of that portion of Huron Street granted by Crown, Ontario, to the Town of Collingwood on July 8th, 1904;

THENCE southwesterly along the said limit of Huron Street to the intersection thereof with the High Water Mark of Lake Huron;

THENCE in a general westerly and northerly direction following in and along the said High Water Mark to the point of commencement;

As shown outlined in green on Plan Number T1789 attached to this Schedule.

#### FORT WILLIAM

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Thunder Bay of Lake Superior, being a water lot lying opposite part of the allowance for road between the Townships of McIntyre and Neebing Additional (McKellar Ward) and opposite the allowance for road along the shore of Thunder Bay East of and adjacent to Lots 1 to 20 inclusive in Concession K, in the Township of Neebing Additional (McKellar Ward), now in the City of Fort William and opposite part of the Fort William Indian Reserve, in the District of Thunder Bay and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the Geodetic Station "Library";

COMMENCING at the intersection of the natural high water mark of Thunder Bay, with a line drawn parallel to and perpendicularly distant 33 feet northerly from the northern boundary of Lot 20, in Concession K, in the said Township of Neebing Additional (McKellar Ward);

THENCE South 89 degrees 56 minutes East along the production easterly of the said parallel line, a distance of 5738.8 feet, more or less, to a point in Thunder Bay, distant 7018.8 feet measured South 89 degrees 56 minutes East along the said parallel line and the production easterly thereof from the intersection of the said line with the production northwesterly of the western boundary of said Lot 20;

THENCE

THENCE South 14 degrees 29 minutes East, a distance of 7700 feet;

THENCE South 06 degrees 57 minutes 34.27 seconds West, a distance of 17,714.84 feet, more or less, to the southeasterly angle of the water lot granted to the Department of Railways and Canals under Order-in-Council P.C. No. 2157, dated June 25th, 1921;

THENCE West, a distance of 2100 feet, more or less, to the natural high water mark of Thunder Bay;

THENCE in a general northerly direction along the said natural high water mark of Thunder Bay and the natural high water mark of the South bank of the Mission River, to the intersection thereof with a line drawn North 05 degrees 57 minutes 59 seconds West across the Mission River from the Geodetic Station "Mission";

THENCE North 05 degrees 57 minutes 59 seconds West along the said line across the Mission River to the natural high water mark of the North bank of the said River;

THENCE in a general northerly direction along the natural high water mark of the North bank of the Mission River and along the natural high water mark of Thunder Bay to the intersection thereof with a line drawn North 17 degrees 25 minutes 01 seconds East across the mouth of the McKellar River from the Geodetic Station "Playfair";

THENCE North 17 degrees 25 minutes 01 seconds East along the said line across the mouth of the McKellar River to the natural high water mark of Thunder Bay;

THENCE continuing in a general northerly direction along the natural high water mark of Thunder Bay to the intersection thereof with a line drawn North across the mouth of the Kaministiquia River from the Geodetic Station "C.P.R. Slip, North";

THENCE North along the last said line to the intersection thereof with the high water mark of the North bank of the said Kaministiquia River;

THENCE in a general northerly direction along the high water mark of the North bank of the said River and along the natural high water mark of Thunder Bay to the point of commencement.

SAVE AND EXCEPT Mutton Island;

As shown outlined in green on Plan Number T1798B attached to this Schedule.

#### GANANOQUE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the St. Lawrence River and the Gananoque River, being a water lot lying in front of part of Lot 13 and in front of Lots 14 and 15, in Concession 1, in the Township of Leeds, in the County of Leeds and Province of Ontario, the said Lots now being in the Town of Gananoque, as shown on a plan of part of the said Town by W. H. Deane, Provincial Land Surveyor, dated November 15th, 1858, and of record in the Department of Lands and Forests for the Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the eastern limit of Lot 15, in Concession 1, in the Township of Leeds as having a bearing of North 00 degrees 46 minutes West;

COMMENCING at a point under the waters of the St. Lawrence River, which said point is distant 2779.16 feet measured South 3 degrees 27 minutes 30 seconds East along the eastern limit of Princess Street and the production southerly thereof from the intersection of the said limit of Princess Street with the southern limit of King Street West;

THENCE

THENCE North 71 degrees 40 minutes East, a distance of 3982.28 feet, more or less, to a point in the production southerly of the eastern boundary of Lot 15, in the said Concession 1;

THENCE North 00 degrees 46 minutes West along the said production southerly of the eastern boundary of Lot 15, a distance of 2000 feet, more or less, to the natural High Water Mark of the St. Lawrence River;

THENCE westerly along the natural High Water Mark of the St. Lawrence River, and northerly along the natural High Water Mark of the East bank of the Gananoque River to the intersection thereof with the eastern limit of King Street;

THENCE southerly along the eastern limit of King Street to the intersection thereof with the natural High Water Mark of the West bank of the Gananoque River;

THENCE in a general southerly direction along the last said High Water Mark and westerly along the natural High Water Mark of the St. Lawrence River to the intersection thereof with the production southerly of the eastern limit of Princess Street;

THENCE South 3 degrees 27 minutes 30 seconds East along that production to the intersection thereof with the natural High Water Mark of Little Island in the St. Lawrence River;

THENCE Southeasterly along the natural High Water Mark of Little Island to the intersection thereof with the production southerly of the said eastern limit of Princess Street;

THENCE South 3 degrees 27 minutes 30 seconds East along the said production of Princess Street to the point of commencement;

As shown outlined in green on Plan Number T1790 attached to this Schedule.

#### GODERICH

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Huron and the Maitland River, being a water lot lying opposite part of Block "A", in the Township of Colborne and opposite the Town of Goderich, in the County of Huron and Province of Ontario, the said Town being shown on a plan of survey by T. V. Molesworth, P.L.S. and of record with the Department of Lands and Forests of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the northern boundary of Lot 1, in Concession "A", in the Township of Goderich, as having a bearing of East;

COMMENCING at a point under the waters of Lake Huron, the said point being distant 3389.66 feet measured West along the northern boundary of Lot 1, in Concession "A", in the Township of Goderich and the production westerly thereof from the northeasterly angle of the said Lot;

THENCE North 13 degrees 10 minutes West, a distance of 3269.6 feet;

THENCE North 76 degrees 50 minutes East, a distance of 3997 feet, more or less, to the natural high-water mark of Lake Huron;

THENCE in a general southerly direction along the natural high water mark of Lake Huron and along the natural high water mark of the North bank of the Maitland River to the intersection thereof with a line drawn North 6 degrees 51 minutes West from the said northeasterly angle of Lot 1, in Concession "A";

THENCE South 6 degrees 51 minutes East across the Maitland River to an iron bar planted, the said iron bar being distant 3251.77 feet measured



North 6 degrees 51 minutes West from the said northeasterly angle of Lot 1, in Concession "A", which said iron bar is, for the purpose of this description, designated as point "A";

THENCE South 32 degrees West, a distance of 820 feet, more or less, to the North face of the North concrete pier forming the Basin entrance;

THENCE easterly along that face to the easterly extremity of that pier;

THENCE northerly along the high water mark of the Basin to the South face of the concrete wharf forming the northerly limit of the Basin;

THENCE in a general easterly, southerly and westerly direction along the southerly, westerly and northerly faces of the concrete wharf forming the Basin to the intersection thereof with a line drawn South 14 degrees 57 minutes 55 seconds West from the said point "A";

THENCE South 14 degrees 57 minutes 55 seconds West across the South concrete pier forming the Basin entrance, a distance of 35 feet, more or less, to the South face of the said pier;

THENCE in a general southerly direction along the natural high water mark of Lake Huron to the intersection thereof with a line drawn East through the point of commencement, the said intersection being distant 489.66 feet, more or less, measured West along the northern boundary of said Lot 1, in Concession "A" from the northeasterly angle of the said Lot;

THENCE West, a distance of 2900 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1791 attached to this Schedule.

#### KINCARDINE

ALL AND SINGULAR that certain parcel or tract of land and lands under the waters of Lake Huron, being a water lot lying adjacent to the Town of Kincardine, in the County of Bruce and Province of Ontario and being more particularly described as follows:

PREMISING the bearings hereinafter mentioned are astronomical and are referred to the bearing of South 59 degrees 26 minutes East for the northeasterly limit of the Town of Kincardine as shown on the plan of the said Town by A. P. Brough, D.P.S., dated 3rd May 1851 and of record with the Department of Lands and Forests for the Province of Ontario;

COMMENCING at the intersection of the high water mark of Lake Huron with the production northwesterly of the southwestern limit of Lambton Street, the said intersection being distant 210 feet measured North 59 degrees 26 minutes West along the said production of Lambton Street from the most northerly angle of Lot 10 on the East side of Saugheen Street;

THENCE North 59 degrees 26 minutes West, a distance of 1270 feet;

THENCE South 53 degrees 20 minutes West, a distance of 1087.95 feet;

THENCE South 30 degrees 34 minutes West, a distance of 272.54 feet, more or less, to intersect a line drawn on a course of North 59 degrees 26 minutes West from the southeasterly angle of Lot 7 on the West side of Huron Terrace;

THENCE South 59 degrees 26 minutes East, a distance of 2000 feet more or less, to the high water mark of Lake Huron;

THENCE



THENCE northerly along the said high water mark of Lake Huron and along the high water mark of the Kincardine Harbour to its intersection of the Western limit of Huron Terrace;

THENCE North 30 degrees 34 minutes East along the said limit of Huron Terrace to its intersection with the high water mark of the said harbour;

THENCE along the high water mark of the said harbour and along the high water mark of Lake Huron to the point of commencement;

As shown outlined in green on Plan Number T1792 attached to this Schedule.

#### KINGSTON

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Ontario and the St. Lawrence River and the Cataraqui River, being a water lot lying in front of Lots 18, 19, 20 and 21 and in front of the allowance for road between Lots 17 and 18, in the Broken Front Concession, and in front of Lots 22, 23 and 24, in Concession 1, and in front of the Town of Kingston as incorporated in 1838, and in front of Lot 1 West of the Great Cataraqui River, in the Township of Kingston, the said Lots and Town now being in the City of Kingston, in the County of Frontenac and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through a standard iron bar planted at the most southerly end of Point Frederick;

COMMENCING at a point in the waters of Lake Ontario, the said point being distant 3887.71 feet measured South 4 degrees 24 minutes 45 seconds East along the easterly boundary of Lot 17 in the said Broken Front Concession and the production southerly thereof from the north-easterly angle of the said Lot;

THENCE due East 14,342.88 feet, more or less, to a point distant 6080 feet measured South 4 degrees 1 minute 30 seconds East from a standard iron bar planted at the natural high water mark of the most southerly end of Point Frederick;

THENCE North 4 degrees 1 minute 30 seconds West, a distance of 6075 feet, more or less, to the water's edge at the most southerly end of Point Frederick;

THENCE in a general northerly direction along the water's edge of the East bank of the Cataraqui River to the intersection thereof with the production easterly of the northerly boundary of Lot 1, West of the Great Cataraqui River;

THENCE South 78 degrees 58 minutes West along that production to the intersection thereof with the natural high water mark of Bell Island;

THENCE in a general southwesterly, westerly and northwesterly direction along the said natural high water mark to its intersection with the said production easterly of the northerly boundary of said Lot 1;

THENCE South 78 degrees 58 minutes West along the said easterly production to its intersection with the natural high water mark of the West bank of the Cataraqui River, the said intersection being distant 3131.81 feet measured North 78 degrees 58 minutes East along the northerly boundary of the said Lot 1 from the northwesterly angle thereof;

THENCE in a general southerly and westerly direction along the natural high water mark of the said westerly bank of the Cataraqui River and of Lake Ontario to the intersection with the easterly boundary of Lot 17 in the said Broken Front Concession, the said intersection being distant 2221.20 feet measured South 4 degrees 24 minutes 45 seconds East along the said easterly boundary from the northeasterly angle of the said Lot;

THENCE

THENCE South 4 degrees 24 minutes 45 seconds East along the production southerly of the said easterly boundary of Lot 17, a distance of 1666.51 feet to the point of commencement;

As shown outlined in green on Plan Number T2866 attached to this Schedule.

#### KINGSVILLE

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Erie, being a water lot lying in front of Lot 1 and part of Lot 2, in Concession 1 Eastern Division, in the Township of Gosfield South, the said Lots now being in the Town of Kingsville, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the northwesterly angle of Lot 15 as shown on a plan of subdivision registered in the Registry Office for the County of Essex as Plan Number 965:

COMMENCING at the intersection of the high water mark of Lake Erie with the western boundary of said Lot 1, the said intersection being distant 369 feet measured South 03 degrees 20 minutes 15 seconds West along the said boundary from the northwesterly angle of Lot 15 as shown on a plan of subdivision registered in the Registry Office for the County of Essex as Plan Number 965;

THENCE South 03 degrees 20 minutes 15 seconds West, a distance of 2100 feet;

THENCE North 72 degrees 14 minutes 45 seconds East, a distance of 3642.5 feet, more or less, to the intersection thereof with the production southerly of the western limit of Wigle Avenue as shown on a plan of subdivision registered in the Registry Office for the County of Essex as Plan Number 432;

THENCE North 00 degrees 22 minutes East along the said production southerly of the western limit of Wigle Avenue, a distance of 2218.94 feet, more or less, to the high water mark of Lake Erie;

THENCE westerly along the said high water mark of Lake Erie to the point of commencement;

As shown outlined in green on Plan Number T1793 attached to this Schedule.

#### LEAMINGTON

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Erie, being a water lot lying in front of part of Lots 6 and 7, in Concession 1, in the Township of Mersea, in the County of Essex, and Province of Ontario, the said Lots now being in the Town of Leamington, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the eastern boundary of Lot 6, in Concession 1, in the Township of Mersea, as having a bearing of North 2 degrees 55 minutes East;

COMMENCING at the intersection of the High Water Mark of Lake Erie with a line drawn parallel to and distant 660 feet measured westerly at right angles to the eastern boundary of Lot 6, the said intersection being located as follows:

STARTING at the intersection of the eastern boundary of said Lot 6 with the southern limit of the allowance for road<sup>as</sup> laid out by the Township of Mersea By-law Number 58;

THENCE North 87 degrees 04 minutes West along the said southern limit of the said allowance for road, a distance of 660 feet;

THENCE South 02 degrees 55 minutes West parallel to the said eastern boundary of said Lot 6, a distance of 1496.25 feet to the point of commencement;

THENCE South 02 degrees 55 minutes West, a distance of 2000 feet;

THENCE South 65 degrees 25 minutes East, a distance of 1491.37 feet, more or less, to a point in the production southerly of a line drawn parallel to and distant 660 feet measured easterly at right angles from the western boundary of said Lot 7, in the said Concession;

THENCE North 02 degrees 55 minutes East along the said production southerly, a distance of 1892 feet, more or less, to the High Water Mark of Lake Erie;

THENCE westerly along the said High Water Mark of Lake Erie to the point of commencement;

As shown outlined in green on Plan Number T1794 attached to this Schedule.

#### OSHAWA

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Ontario, being a water lot lying in front of part of Lots 5, 6 and 7, in the Broken Front Concession, in the Township of East Whitby, in the County of Ontario, and Province of Ontario, and being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomic and are referred to the northern boundary of Lot 6, in the Broken Front Concession, in the Township of East Whitby, as having a bearing of North 72 degrees 46 minutes 30 seconds East;

COMMENCING at the intersection of the High Water Mark of Lake Ontario with a line drawn parallel to the easterly face of the western pier of Oshawa Harbour and distant 892.15 feet measured easterly at right angles thereto, the said intersection being located as follows:

STARTING at the northeasterly angle of Lot 6, in the Broken Front Concession, in the said Township;

THENCE South 17 degrees 01 minutes East along the eastern boundary of said Lot 6, the said boundary being the western limit of a travelled road through Lot 5, in the said Concession, a distance of 1657.75 feet;

THENCE South 17 degrees 11 minutes 30 seconds East continuing along the said limit of the said road, a distance of 1952.93 feet;

THENCE South 18 degrees 22 minutes 40 seconds East continuing along the said limit of the said road, a distance of 1708.32 feet;

THENCE South 18 degrees 25 minutes 55 seconds East continuing along the said limit, a distance of 804.90 feet;

THENCE South 45 degrees 56 minutes 30 seconds East, a distance of 1054.4 feet to the point of commencement;

THENCE South 32 degrees 35 minutes 30 seconds East along the said parallel line, a distance of 2750 feet.

THENCE South 49 degrees 24 minutes 30 seconds West, a distance of 1405.8 feet, more or less, to a line drawn parallel to the said easterly face of the westerly pier and distant 500 feet measured westerly at right angles thereto;

THENCE



THENCE North 32 degrees 35 minutes 30 seconds West along the last said parallel line, a distance of 2469.82 feet, more or less, to the intersection thereof with the High Water Mark of Lake Ontario;

THENCE northeasterly along the High Water Mark of Lake Ontario and Oshawa Harbour to the point of commencement;

As shown outlined in green on Plan Number T1795 attached to this Schedule.

#### OWEN SOUND

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Owen Sound, of Georgian Bay, of Lake Huron and of the Potawatami and the Sydenham Rivers, being a water lot lying opposite the Allowance for Road lying in rear of Lots 10, 11, 12, 13, 14, 15, 16 and 17, in Concession 3, in the Township of Sarawak and lying opposite the City of Owen Sound, in the County of Grey and Province of Ontario, the said City being shown on plans of survey of the Town of Brooks and the Village of Sydenham and of record in the Department of Lands and Forests, Ontario, the said water lot being more particularly described as follows:

COMMENCING at the intersection of the natural High Water Mark of Owen Sound with the production easterly of the northern boundary of Lot 17, in Concession 3, in the Township of Sarawak, the said intersection being distant 2459 feet measured easterly along the said boundary and the said production thereof from the northwesterly angle of the said Lot;

THENCE southerly along the natural High Water Mark of Owen Sound and the natural High Water Mark of the West bank of the Potawatami River to the intersection thereof with the production northerly of the eastern limit of First Avenue West as shown on the said plan of the Town of Brooke;

THENCE southerly along the production northerly of the eastern limit of First Avenue West to the intersection thereof with the natural High Water Mark of the East bank of the Potawatami River;

THENCE northerly along the natural High Water Mark of the East bank of Potawatami River and easterly along the natural High Water Mark of Owen Sound and southerly along the High Water Mark of the West bank of the Sydenham River to the intersection thereof with the northern limit of Tenth Street West as shown on the said plan of the Village of Sydenham;

THENCE easterly along the northern limit of Tenth Street West to the intersection thereof with the High Water Mark of the East bank of the Sydenham River;

THENCE northerly along the High Water Mark of the East bank of the Sydenham River and continuing in a general northerly direction along the natural High Water Mark of Owen Sound to the intersection thereof with the western limit of the Allowance for Road between the City of Owen Sound and the Township of Sydenham;

THENCE northerly along the production northerly of the western limit of the said Allowance for Road, a distance of 142 feet, more or less, to the intersection thereof with the production easterly of the northern boundary of Lot 17, in Concession 3, in the said Township of Sarawak, the said intersection being distant 2810.19 feet measured northerly along the western limit of the said Allowance for Road and the said production thereof from the southeasterly angle of Park Lot B, in Squaw Point, in the City of Owen Sound;

THENCE westerly along the said production easterly of the northern boundary of said Lot 17, a distance of 8850.82 feet, more or less, to the point of commencement;



As shown outlined in green on Plan Number T1796 attached to this Schedule.

#### PENETANGUISHENE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Penetang Harbour, of Georgian Bay, of Lake Huron, being a water lot lying opposite part of the Military Reserve Triangular Redoubt, Lots 1 and 2 in Concession 16, the allowance for road between Concessions 15 and 16, Lot 2 in Concession 15, the Military Reserve Square Redoubt, Lot 3 in Concession 14, the allowance for road between said Lot 3 and Park Lot 1 West of the Bay, Park Lots 1, 2, 3, 4, 5, 6, 18, 19, 20 and 21 West of the Bay, Lots 117 and 116 in Concession 1, West of Penetanguishene Road and the Western part of the Town Plot of Penetanguishene, all in the Township of Tiny, and opposite the allowance for road between the Townships of Tiny and Tay, known as the Penetanguishene Road, and opposite the eastern part of the Town Plot of Penetanguishene, the Pensioners' 3-acre Lots, formerly known as the Military Ordnance Lands, and part of the Reformatory Prison Farm, all in the Township of Tay, in the County of Simcoe, and Province of Ontario, the said water lot being more particularly described as follows:

COMMENCING at the intersection of the natural high water mark of the eastern shore of Penetang Harbour with the production north-westerly of the eastern limit of the allowance for road between Concessions 1 and 2, East of the Penetanguishene Road, in the Township of Tay, the said intersection being distant 5048 feet measured northwesterly along the said limit from the most southerly angle of Lot A 1 of the Pensioners' 40-acre Lots in the said Township;

THENCE northwesterly along that production, a distance of 2643.55 feet, more or less, to the southeasterly angle of Lot 11 as shown on a plan of subdivision of part of the Military Reserve Triangular Redoubt, filed in the Registry Office for the Registry Division of the County of Simcoe as Plan 1143;

THENCE in a general southerly direction along the natural high water mark of the West shore of Penetang Harbour and continuing in a general northerly direction along the natural high water mark of the East shore of Penetang Harbour to the point of commencement.

SAVE AND EXCEPTING Magazine Island;

As shown outlined in green on Plan Number T1797 attached to this Schedule.

#### PORT ARTHUR

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Thunder Bay, of Lake Superior, being a water lot lying opposite Mining Locations 2, 3, 4 and 6, in the Township of McGregor, and opposite Mining Location 7, and Sections 37, 38, 39, 51 and 52, in the Township of McIntyre, and in front of Prince Arthur's Landing and part of the allowance for road between the Townships of McIntyre and Neebing Additional (McKellar Ward), all of the above now being in the City of Port Arthur, in the District of Thunder Bay and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the Geodetic Station "Stephen";

COMMENCING at the intersection of the natural high water mark of Thunder Bay, with a line drawn parallel to and perpendicularly distant 33 feet northerly from the northern boundary of Lot 20, in Concession K, in the Township of Neebing Additional (McKellar Ward);

THENCE South 89 degrees 56 minutes East along the production easterly of the said parallel line, a distance of 5738.8 feet, more or less, to a point in Thunder Bay, distant 7018.8 feet measured South 89 degrees

56 minutes East along the said parallel line and the production easterly thereof from the intersection of the said line with the production northerly of the western boundary of said Lot 20;

THENCE North 14 degrees 29 minutes 7.18 seconds West, a distance of 8687.2 feet;

THENCE North 31 degrees 58 minutes 47.95 seconds East, a distance of 2356.3 feet;

THENCE North 44 degrees 35 minutes 18.2 seconds East, a distance of 11,717 feet;

THENCE North 23 degrees 46 minutes East, a distance of 7837.8 feet, more or less, to a point distant 3128.8 feet measured South 00 degrees 33 minutes East along the eastern boundary of the said Mining Location 2 and the production southerly thereof, from the northeasterly angle of the said Mining Location 2;

THENCE North 00 degrees 33 minutes West along that production, a distance of 2000 feet, more or less, to the natural high water mark of Thunder Bay;

THENCE in a general southerly direction along the said high water mark to the point of commencement;

As shown outlined in green on Plan Number T1798A attached to this Schedule.

#### PORT BURWELL

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Erie and of Big Otter Creek, being a water lot lying in front of Lots 11 and 12, in Concession 1, in the Township of Bayham, part of the said Lots now being in the Town of Port Burwell, in the County of Elgin and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the eastern boundary of Lot 12, in Concession 1, in the Township of Bayham, as North 00 degrees 54 minutes 30 seconds East;

COMMENCING at the intersection of the western boundary of Lot 11, with the natural High Water Mark of Lake Erie;

THENCE South 00 degrees 42 minutes 15 seconds West along the production southerly of the said western boundary of Lot 11, a distance of 3850 feet, more or less, to a point in Lake Erie distant 11,657 feet measured South 00 degrees 42 minutes 15 seconds West along the said boundary and the said production from the northwesterly angle of said Lot 11;

THENCE South 89 degrees, 17 minutes 45 seconds East, a distance of 2626.92 feet, more or less, to the intersection with the production southerly of the eastern boundary of said Lot 12;

THENCE North 00 degrees 54 minutes 30 seconds East along the said production southerly of the eastern boundary of said Lot 12, a distance of 5461 feet, more or less, to the natural High Water Mark of Lake Erie;

THENCE westerly along the natural High Water Mark of Lake Erie and northerly along the High Water Mark of the East bank of Big Otter Creek to the intersection thereof with the production westerly of the northern limit of Waterloo Street, as shown on a plan of subdivision registered in the Registry Office for the Registry Division of the County of Elgin, as Plan Number 12;

THENCE westerly along the said production westerly of the northern limit of Waterloo Street to the High Water Mark of the West bank of Big Otter Creek;

THENCE

THENCE southerly along the High Water Mark of the West bank of Big Otter Creek and westerly along the natural High Water Mark of Lake Erie to the point of commencement;

As shown outlined in green on Plan Number T1799 attached to this Schedule.

#### PORT HOPE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Ontario and of the Ganaraska River, being a water lot lying in front of part of Lot 5, Lot 6, part of Lot 7, and the Allowance for Road between Lots 6 and 7, all in the Broken Front Concession, in the Township of Hope, and now in the Town of Port Hope, in the County of Durham and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the westerly limit of Lot 4, in the Broken Front Concession, in the Township of Hope, and now in the Town of Port Hope as being North 18 degrees 49 minutes 30 seconds West;

COMMENCING at a point in Lake Ontario, opposite Lot 5, in the said Broken Front Concession which may be located as follows:

STARTING at the northeasterly corner of the said Lot Five (5);

THENCE South 18 degrees 49 minutes 30 seconds East along the eastern boundary of the said Lot 5, a distance of 989.25 feet;

THENCE South 70 degrees 53 minutes 30 seconds West, a distance of 968.67 feet;

THENCE South 18 degrees 49 minutes 30 seconds East, a distance of 4182.10 feet to the point of commencement of the herein described land;

THENCE South 71 degrees 10 minutes 30 seconds West, a distance of 2400 feet, more or less, to the intersection with a line drawn South 18 degrees 49 minutes 30 seconds East, through a point in the said Lot 7 which may be located as follows:

STARTING at the intersection of the southern boundary of Hayward Street with the western boundary of John Street as shown on a plan of the Town of Port Hope and registered in the Registry Office for the Registry Division of the East Riding of the County of Durham;

THENCE southerly along the westerly boundary of John Street, a distance of 1258 feet;

THENCE South 71 degrees 10 minutes 30 seconds West, a distance of 301.10 feet to the above mentioned point in the said Lot 7;

THENCE North 18 degrees 49 minutes 30 seconds West along the above mentioned line, a distance of 2873.45 feet, more or less, to the natural High Water Mark of Lake Ontario;

THENCE in a general easterly and northerly direction along the High Water Mark of Lake Ontario and of the western bank of the Ganaraska River to the intersection of the last mentioned High Water Mark with the southern limit of Gage Street, as shown on the said plan of the Town of Port Hope;

THENCE easterly along that southern limit to the intersection with the High Water Mark on the eastern bank of the Ganaraska River;

THENCE in a general southerly and easterly direction along that High Water Mark and the natural High Water Mark of Lake Ontario, to the intersection of the last mentioned High Water Mark with a line drawn North 18 degrees 49 minutes 30 seconds West through the point of commencement;



THENCE South 18 degrees 49 minutes 30 seconds East along that line a distance of 3800 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1817 attached to this Schedule.

#### PORT STANLEY

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Erie and of Kettle Creek, being a water lot lying in front of Lot 1, in Concession 1, in the Township of Yarmouth and in front of part of Lot 16, in Range 1, South of Lake Road in the Township of Southwold and opposite the Allowance for Road between the said Townships, the said Lots now being in the Village of Port Stanley, in the County of Elgin and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the line between Lots 1 and 2, in Concession 1, in the Township of Yarmouth as having a bearing of North 2 degrees 27 minutes East;

COMMENCING at the intersection of the natural High Water Mark of Lake Erie with the eastern limit of William Street, as shown on a plan of subdivision registered in the Registry Office for the Registry Division of the County of Elgin as Plan Number 176;

THENCE South 02 degrees 51 minutes West along the production southerly of the said eastern limit of William Street, a distance of 2128.5 feet, more or less, to a point in Lake Erie distant 4058.56 feet measured South 02 degrees 51 minutes West along the said limit of William Street and the production southerly thereof from the southwesterly angle of Lot 5 fronting on the North side of George Street, East of William Street, as shown on a plan of subdivision filed in the said Registry Office as Plan Number 117;

THENCE East, a distance of 2112 feet, more or less, to the intersection with the production southerly of the eastern boundary of Lot 1, in Concession 1, in the Township of Yarmouth;

THENCE North 02 degrees 27 minutes East along the said production southerly of the eastern boundary of said Lot, a distance of 4000 feet, more or less, to the natural High Water Mark of Lake Erie;

THENCE in a general southwesterly direction along the natural High Water Mark of Lake Erie and northerly along the natural High Water Mark of the East bank of Kettle Creek to the intersection thereof with the southern limit of Warren Street as shown on a plan of subdivision registered in the said Registry Office as Plan Number 117;

THENCE westerly along the said limit of Warren Street to the intersection thereof with the natural High Water Mark of the West bank of Kettle Creek;

THENCE southerly along the natural High Water Mark of the West bank of Kettle Creek and westerly along the natural High Water Mark of Lake Erie to the point of commencement;

As shown outlined in green on Plan Number T1818 attached to this Schedule.

#### PRESCOTT

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the St. Lawrence River, being a water lot lying in front of Lots 34, 35, 36, 37 and the Commons, now known as Lot 38, in Concession 1, in the Township of Edwardsburgh, and in front of Commons Lot A and Lots 1, 2, 3, 4, and part of Lot 5, and in front of the original Allowance for Road between Lot 1 and Commons Lot A, in



Concession 1, in the Township of Augusta, part of the said Lots, excepting Lots 34, 35 and 36, in the Township of Edwardsburgh, now being in the Town of Prescott, in the County of Grenville and Province of Ontario, which said water lot is more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the western limit of Sophia Street, as shown on the compiled plan of the Town of Prescott by Willis Chipman, P.L.S. and filed in the Registry Office for the Registry Division of the County of Grenville as Plan Number 15, as having a bearing of South 40 degrees 15 minutes 20 seconds East;

COMMENCING at the intersection of the International Boundary between Canada and the United States of America with the production southerly of the said westerly limit of Sophia Street, the said intersection being distant 2985.25 feet measured South 40 degrees 15 minutes 20 seconds East along the said westerly limit of Sophia Street and that production from the southeasterly angle of Lot 39 on the South side of King Street, in Block 3, as shown on the said plan No. 15;

THENCE North 40 degrees 15 minutes 20 seconds West along the production southerly of the westerly limit of Sophia Street, a distance of 2663.60 feet to the High Water Mark of the North bank of the St. Lawrence River;

THENCE in a general northeasterly direction along the High Water Mark of the North bank of the St. Lawrence River to the intersection thereof with the production southerly of the easterly boundary of Lot 34, in Concession 1, in the said Township of Edwardsburgh;

THENCE South 30 degrees 45 minutes East along the production southerly of the said easterly boundary, a distance of 1661.1 feet, more or less, to the said International Boundary;

THENCE southwesterly along the said International Boundary, a distance of 7157.4 feet, more or less, to turning point No. 62;

THENCE southwesterly, continuing along the said International Boundary, a distance of 3624.6 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1995 attached to this Schedule.

#### RONDEAU BAY

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Erie and Rondeau Bay, being a water lot lying adjacent to and on each side of the Sand Bar at Rondeau Harbour, in the Township of Harwich, in the County of Kent and Province of Ontario, and being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the intersection of the easterly face of the westerly pier of Rondeau Harbour with the centre line of Mariner's Road, as shown on a plan of subdivision registered in the Registry Office for the County of Kent as Plan Number 439;

COMMENCING at the intersection of the high water mark of Lake Erie with a line drawn parallel to and distant 500 feet measured westerly at right angles from the easterly face of the westerly pier of Rondeau Harbour, the said intersection being located as follows:

STARTING at the intersection of the easterly face of the said westerly pier with the southern limit of Mariner's Road as shown on a plan of subdivision registered in the Registry Office for the County of Kent as Plan Number 439;

THENCE

THENCE North 73 degrees 10 minutes 40 seconds West along the southern limit of Mariner's Road, a distance of 501.25 feet, more or less, to the intersection thereof with the said parallel line;

THENCE South 12 degrees 45 minutes 35 seconds West along the said parallel line, a distance of 257.32 feet, to the point of commencement;

THENCE easterly along the high water mark of Lake Erie and along the several faces of the westerly pier to a point on the easterly face of the said pier, distant 421.18 feet measured northerly along the said pier from the intersection thereof with the said southern limit of Mariner's Road;

THENCE South 77 degrees 14 minutes 25 seconds East, a distance of 100 feet;

THENCE North 12 degrees 45 minutes 35 seconds East parallel to the said easterly face of the said westerly pier, a distance of 800 feet;

THENCE South 77 degrees 14 minutes 25 seconds East, a distance of 700 feet;

THENCE South 12 degrees 45 minutes 35 seconds West parallel to the said easterly face of the said pier, a distance of 800 feet, more or less, to the high water mark of Rondeau Bay;

THENCE westerly following in and along the high water mark of Rondeau Bay and along the faces of the easterly pier of Rondeau Harbour, and along the high water mark of Lake Erie to the intersection thereof with a line drawn parallel to the easterly face of the westerly pier and distant 800 feet measured easterly at right angles thereto;

THENCE South 12 degrees 45 minutes 35 seconds West along the said parallel line to the intersection thereof with a line drawn South 77 degrees 14 minutes 25 seconds East from a point in the said parallel line drawn through the point of commencement and distant 1750 feet measured South 12 degrees 45 minutes 35 seconds West along the said parallel line from the said point of commencement;

THENCE North 77 degrees 14 minutes 25 seconds West, a distance of 1300 feet to the said parallel line through the point of commencement;

THENCE North 12 degrees 45 minutes 35 seconds East along the said parallel line, a distance of 1750 feet to the point of commencement;

As shown outlined in green on Plan Number T1996 attached to this Schedule.

#### SARNIA

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the Saint Clair River, being a water lot lying in front of the Village of Point Edward, formerly part of the Military Reserve and in front of Lots 70, 71, 72, 73, 74, 75 and 76, in the Front Concession, in the Township of Sarnia and in front of the Town of Sarnia, formerly part of the Sarnia Indian Reserve, the said Lots and Town now being in the City of Sarnia, in the County of Lambton and the Province of Ontario, the said water lot being more particularly described as follows:

COMMENCING at a point in the waters of the Saint Clair River, being the intersection of the International Boundary between Canada and the United States of America, with the production westerly the southern limit of the approach to the International Bridge between Point Edward, Ontario, and Port Huron, Michigan, as shown on Department of Highways of Ontario Plan P2039-2 and deposited in the Registry Office for the Registry Division of the County of Lambton as Number 153;

THENCE easterly along that production to the high water mark of the East bank of the Saint Clair River;

THENCE in a general southerly direction along the said high water mark to the intersection thereof with the northern boundary of Lot 44, fronting on the River, in the Sarnia Indian Reserve;

THENCE westerly along the production westerly of the said northern boundary of Lot 44, to the intersection thereof with the said International Boundary;

THENCE northerly along the said International Boundary to the point of commencement;

As shown outlined in green on Plan Number T1997 attached to this Schedule.

#### SAULT STE. MARIE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the St. Marys River, being a water lot lying in front of the Town Plot of St. Mary's and in front of Church Street and Park Lots 23, 24, 25, 26, 27, 28, 29, in Concession 1, as shown on the plans of the Town Plot and the Park Lots adjoining the Town of St. Mary's as surveyed by Alexander Vidal, P.L.S., dated October 1846 and of record in the Department of Lands and Forests, Ontario, and in front of Broken Section 2 and the East one-half of Broken Section 3, in the Township of Awenge, now in the City of Sault Ste. Marie and in front of the West one-half of Broken Section 3 and in front of Broken Section 10 in the said Township, in the District of Algoma, in the Province of Ontario and being more particularly described as follows:

COMMENCING at the intersection of the International Boundary between Canada and the United States of America with the production southerly of the eastern limit of Church Street;

THENCE northerly along the said production to the intersection thereof with the high water mark of the North bank of the St. Mary's River, the said intersection being distant 640 feet measured southerly along the said eastern limit of Church Street from the intersection thereof with the southern limit of Queen Street;

THENCE in a general northwesterly, westerly and southwesterly direction along the said high water mark to its intersection with the western boundary of said Broken Section 10, in the said Township, the said intersection being distant 480 feet measured southerly along the said boundary from the northwesterly angle of the said Section;

THENCE southerly along the production southerly of the said western boundary to the said International Boundary;

THENCE in a general easterly direction along the said International Boundary to the point of commencement.

SAVING AND EXCLUDING Dick Moores Island;

As shown outlined in green on Plan Number T1998 attached to this Schedule.

#### SOUTHAMPTON

ALL AND SINGULAR that certain parcel or tract of land and lands under the waters of Lake Huron and the Saugeen River, being a water lot lying adjacent to the Town of Southampton, in the County of Bruce, in the Province of Ontario and being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the bearing of South 60 degrees 31 minutes East for the southwesterly limit of the Town of Southampton as shown on the plan of the Township of Saugeen;

COMMENCING



COMMENCING at a point in the waters of Lake Huron, distant 2373.57 feet measured North 60 degrees 31 minutes West from the northwesterly angle of Lot 27 on the South side of Gosford Street, in the Town of Southampton;

THENCE South 29 degrees 29 minutes West, a distance of 2844.1 feet, more or less, to its intersection with the production westerly of the southern limit of High Street;

THENCE South 60 degrees 31 minutes East along the production westerly of the southern limit of High Street, a distance of 2350 feet, more or less, to its intersection with the high water mark of Lake Huron;

THENCE northerly along the high water mark of Lake Huron and easterly along the high water mark of the southerly bank of the Saugeen River to its intersection with the production northerly of the western limit of Victoria Street;

THENCE northerly along the production northerly of the said limit of Victoria Street to its intersection with the high water mark on the northerly bank of the Saugeen River;

THENCE westerly along the said high water mark of the northerly bank of the Saugeen River and northerly along the high water mark of Lake Huron to its intersection with a line drawn on a course of North 60 degrees 31 minutes West from the northwesterly angle of Lot 27 on the South side of Gosford Street;

THENCE North 60 degrees 31 minutes West, a distance of 2148.57 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1999 attached to this Schedule.

#### TORONTO

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Toronto Harbour of Lake Ontario, being a water lot lying between the group of islands known as the Toronto Islands and the high water mark on the northern shore of Toronto Harbour as shown on a plan of survey of the said harbour being the Toronto Harbour Commissioners Plan No. 11341, dated March 1st, 1940, a copy of which plan is of record in the Department of Lands and Forests, Ontario, the said water lot now being in the City of Toronto, in the County of York and Province of Ontario, and including the water lots lying under the waters of the Ship Channel, the Turning Basin and that part of Keating Channel lying south of the southern limit of Keating Street, as shown on a plan of subdivision registered in the Registry Office for the Registry Division of Toronto East as Plan No. 159E, the Western Gap and the Eastern Gap, as the same are shown on the above mentioned Commissioners Plan, and including the water lots lying under the waters of the Western Entrance and the Eastern Entrance to Toronto Harbour, the outer limits of the said entrances being more particularly described as follows:

PREMISING that the co-ordinates hereinafter mentioned are referred to the Rectangular Co-ordinate System for Toronto Harbour as established by the Department of Mines and Technical Surveys, Hydrographic Surveys in 1938 and that all bearings herein are related to the meridian through the point of origin for the said co-ordinate system which point is 5002.1 feet South and 12654.8 feet West of Gibraltar Point Lighthouse.

FIRSTLY:—The Outer Limits of the Western Entrance.

COMMENCING at the southwest corner of the first section of the North concrete breakwater leading from the Western Entrance to the Western Gap (Co-ordinates N. 11522.52; E. 7591.53);

THENCE South 53 degrees 23 minutes 45 seconds West, a distance of 2000 feet (Co-ordinates N. 10329.95; E. 5985.98);

THENCE



THENCE South 36 degrees 36 minutes 15 seconds East, a distance of 1650 feet (Co-ordinates N. 9005.38; E. 6969.85);

THENCE North 53 degrees 23 minutes 45 seconds East to the high water mark of the West shore of Centre Island;

THENCE northwesterly along the said high water mark to the southeastern face of the southeasterly concrete breakwater leading to the said Western Gap.

SECONDLY:—The Outer Limits of the Eastern Entrance.

COMMENCING at the intersection of the natural high water mark on the southern shore of Wards Island with the southwestern face of the southwesterly concrete pier forming the Eastern Gap;

THENCE southwesterly along the said high water mark, a distance of 500 feet, more or less, to the intersection thereof with a line drawn North 39 degrees 54 minutes 45 seconds West from Co-ordinates N. 10043.12; E. 22555.22;

THENCE South 39 degrees 54 minutes 45 seconds East, a distance of 1800 feet, more or less, to Co-ordinates N. 10043.12; E. 22555.22;

THENCE North 50 degrees 5 minutes 15 seconds East, a distance of 1300 feet (Co-ordinates N. 10877.22; E. 23552.35);

THENCE North 39 degrees 54 minutes 45 seconds West to the natural high water mark of Lake Ontario;

THENCE southwesterly along the said natural high water mark to the northeastern face of the northeasterly concrete pier forming the Eastern Gap;

As shown outlined in green on Plan Number T1467 attached to this Schedule.

#### WHITBY

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Ontario, being a water lot lying in front of Lots 25, 26, 27 and 28, in the Broken Front Concession, in the Township of Whitby, in the County of Ontario, in the Province of Ontario, and being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the eastern boundary of Lot 25, in the Broken Front Concession, in the Township of Whitby, as having a bearing of North 16 degrees 58 minutes West;

COMMENCING at the intersection of the high water mark of Lake Ontario with the eastern boundary of said Lot 25, in the Broken Front Concession, the said intersection being distant 5791 feet measured South 16 degrees 58 minutes East along the said boundary from the northeasterly angle of said Lot 25;

THENCE South 16 degrees 58 minutes East, a distance of 4200 feet;

THENCE West a distance of 5609.65 feet, more or less, to the intersection thereof with the production southerly of the western boundary of Lot 28, in the Broken Front Concession;

THENCE North 16 degrees 55 minutes 50 seconds West along the said production southerly of the said boundary, a distance of 3960 feet, more or less, to the high water mark of Lake Ontario, the said high water mark being distant 4356 feet measured South 16 degrees 55 minutes 50 seconds West along the said western boundary of Lot 28 from the northwesterly angle of the said Lot;

THENCE

THENCE easterly following in and along the high water mark of Lake Ontario to the point of commencement;

As shown outlined in green on Plan Number T1468 attached to this Schedule.

#### WINDSOR

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the Detroit River, being a water lot lying in front of Lots 86 to 111 both inclusive, in Concession 1 (McNiff's Survey), in the Township of Sandwich East and in front of Lots 58 and 59 and Lots 63 to 85 both inclusive, in Concession 1 (McNiff's Survey), in the Township of Sandwich West, and in front of the Town of Sandwich, as shown on a plan of the said Town, and of record in the Department of Lands and Forests, Ontario, the said Lots and the Town of Sandwich now being in the City of Windsor, in the County of Essex and Province of Ontario, the said water lot being more particularly described as follows:

COMMENCING at a point in the waters of the Detroit River, being the intersection of the International Boundary with the production northerly of the eastern boundary of Lot 111, in Concession 1 (McNiff's Survey) in the Township of Sandwich East;

THENCE southerly along that production to the high water mark of the South bank of the Detroit River;

THENCE in a general westerly direction along the high water mark of the South bank of the Detroit River to the intersection thereof with the southern boundary of Lot 58, in Concession 1, in the Township of Sandwich West;

THENCE westerly along the production westerly of the southern boundary of said Lot 58 to the intersection thereof with the International Boundary;

THENCE easterly along the International Boundary to the point of commencement;

As shown outlined in green on Plan Number T1469 attached to this Schedule.

*Schedule B*

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF CANADA

Secretary of State Reference Number	Name of Grantee	Place	Date
Lib. 411, Fol. 116 31 January 1944	Marhill Mines Limited.....	Deseronto	25 Nov. 1943
Lib. 327, Fol. 163 28 May 1929	The Bole Grain Co. Ltd.....	Fort William	18 May 1929
Lib. 302, Fol. 365 27 May 1927	N. M. Patterson & Co. Ltd.....	Fort William	23 May 1927
Lib. 194, Fol. 591 9 Dec. 1912	James Purvis.....	Gore Bay	23 Nov. 1912
Lib. 158, Fol. 253 23 May 1900	Canada Iron Furnace Co.....	Midland	1 May 1900
Lib. 301, Fol. 276 24 Nov. 1926	The Great Lakes Transportation Co. Ltd.....	Midland	16 Nov. 1926
Lib. 158, Fol. 400 10 June 1902	Charles Edward Gudewill.....	Midland	26 May 1902
Lib. 157, Fol. 513 14 Dec. 1903	James Playfair.....	Midland	28 Nov. 1903
Lib. 158, Fol. 484 22 Dec. 1903	David S. Pratt.....	Midland	2 Dec. 1903
Lib. 243, Fol. 169 6 March 1917	Toronto, Hamilton & Buffalo Railway Co.....	Port Maitland	5 Mar. 1917
Lib. 243, Fol. 18 26 April 1915	Canadian Pacific Railway Co.....	Parry Sound	21 April 1915
Lib. 159, Fol. 534 14 May 1906	Conger Lumber Co.....	Parry Sound	28 April 1906
Lib. 192, Fol. 165 22 Jan. 1909	John Galna & Robert William Danter.....	Parry Sound	26 Jan. 1909
Lib. 159, Fol. 145 30 March 1900	John McClelland.....	Parry Sound	28 Mar. 1900
Lib. 216, Fol. 555 16 Feb. 1916	George Neibergall & William Neibergall.....	Parry Sound	10 Feb. 1916
Lib. 413, Fol. 460 28 Sept. 1944	Lorne S. Falls.....	Riverside	28 Sept. 1944
Lib. 213, Fol. 91 11 July 1911	Georgian Bay & Seabord Railway.....	Victoria Harbour	11 July 1911
Lib. 159, Fol. 594 Jan. 1907	Georgian Bay & Seabord Railway.....	Victoria Harbour	16 Jan. 1907
Lib. 192, Fol. 293 14 June 1910	Corporation of the Town of Wiarton.....	Warton	8 June 1910
Lib. 194, Fol. 79 5 Nov. 1908	Elijah M. Miers.....	Warton	2 Nov. 1908
Lib. 157, Fol. 333 Aug. 1900	Jacob Charles Siemon, John L. Siemon, Andrew Siemon & Daniel McIntyre.....	Warton	23 Aug. 1900
Lib. 214, Fol. 152 22 Oct. 1912	Elizabeth Tyson.....	Warton	24 June 1912
Lib. 157, Fol. 516 22 Dec. 1903	Warton Beet Sugar Co. Ltd. & The Grand Trunk Railway of Canada.....	Warton	16 Nov. 1903

The grants and quit claims in this Schedule are on record in the Department of the Secretary of State at Ottawa.

## Schedule C

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>AMHERSTBURG</b>			
50158 C.L.S.	John Sale.....	31 Oct. 1901	2.5 acres
51754 C.L.S.	John Parks.....	15 Feb. 1905	5.8 acres
58491 C.L.S.	Sarah Jane Emily Elliott.....	9 Sept. 1913	5.55 acres
47803 C.L.S.	Griffith J. Colborne.....	13 Dec. 1894	2.46 acres
51238 C.L.S.	John Anderson.....	25 Feb. 1904	0.19 acre
51243 C.L.S.	Nancy C. Levergood.....	25 Feb. 1904	0.25 acre
48756 C.L.S.	Perry Barclay Leighton.....	8 Dec. 1897	0.82 acre
51292 C.L.S.	Alexander Pirie.....	24 Mar. 1904	0.36 acre
48675 C.L.S.	Frank C. Robbins.....	13 Aug. 1897	0.34 acre
58410 C.L.S.	The Detroit and Windsor Ferry Co.....	8 Aug. 1913	76.5 acres
58409 C.L.S.	William Menzies.....	8 Aug. 1913	3.83 acres
90148 C.L.S.	Orval Leland Duncanson.....	8 Dec. 1937	13.60 acres
83488 C.L.S.	Charles Bissell Johnson.....	17 Mar. 1932	6,750 sq. ft.
49619 C.L.S.	O'Brien Atkinson.....	20 April 1900	3.59 acres
56745 C.L.S.	Marguerite C. Wilcox Price.....	18 Sept. 1911	1.00 acre
56746 C.L.S.	Harriet C. Oliver.....	18 Sept. 1911	0.85 acre
<b>BROCKVILLE</b>			
47133 C.L.S.	Anna Maria Cooke.....	21 Nov. 1892	18,650 sq. ft.
51217 C.L.S.	Henry Tolford Murray.....	20 Jan. 1904	24,500 sq. ft.
34324 C.L.S.	James Hall.....	3 July 1871	1 Rood 30 sq. rods
47425 C.L.S.	John L. Upham.....	30 Oct. 1893	0.14 acre
38219 C.L.S.	James William Brereton Rivers.....	12 May 1874	0.5 acre
46736 C.S.L.	Catherine Hayes.....	18 Mar. 1891	23,560 sq. ft.
49371 C.L.S.	Samuel Armour & Etta Armour.....	17 July 1899	11,200 sq. ft.
40865 C.L.S.	William McCullough.....	20 Feb. 1877	12,000 sq. ft.
40872 C.L.S.	Josephine Comstock & Sally Gates Booth.....	22 Feb. 1877	12,500 sq. ft.
88854 C.L.S.	The Laing Produce & Storage Co. Ltd.....	23 Nov. 1936	8,031 sq. ft.
47828 C.L.S.	George Edward Shields.....	4 Jan. 1895	9,600 sq. ft.
36601 C.L.S.	Alphonso Brooks.....	3 May 1873	10,162 sq. ft.
37291 C.L.S.	Richard Farmer Steele.....	20 Nov. 1873	12,000 sq. ft.
36603 C.L.S.	Ellen McSween.....	3 May 1873	17,835 sq. ft.
36602 C.L.S.	George Easton.....	3 May 1873	15,472 sq. ft.
58760 C.L.S.	Charles Wesley McLean.....	30 Jan. 1914	1.2 acres
63749 C.L.S.	Wilson Sheridan.....	22 July 1918	0.07 acre
55675 C.L.S.	George Beecher, Jr.....	21 July 1910	0.25 acre
45337 C.L.S.	George Augustus Dana.....	6 May 1886	25,800 sq. ft.
45338 C.L.S.	Albert John Dana.....	6 May 1886	37,900 sq. ft.
35690 C.L.S.	Robert Shepherd.....	31 Oct. 1872	3.25 acres
44667 C.L.S.	Alexander G. McCrady & Charles H. McCrady.....	19 June 1884	21,000 sq. ft.
49869 C.L.S.	The Corporation of the Town of Brockville.....	21 Jan. 1901	35,209 sq. ft.
44278 C.L.S.	Aurinda Beecher.....	3 July 1883	25,280 sq. ft.
44277 C.L.S.	William Gilmour.....	3 July 1883	23,850 sq. ft.
40791 C.L.S.	Elswood Smart, Albert Smart & Benjamin C. Sheppard.....	1 Feb. 1877	2 Roods } 180 sq. ft. 19 Perches }
35716 C.L.S.	James Smart.....	26 Nov. 1872	3 Roods 27 Perches
58818 C.L.S.	The Central Canada Coal Co.....	21 Mar. 1914	15,444 sq. ft.
56682 C.L.S.	The James Smart Manufacturing Co. Ltd.....	4 Aug. 1911	24,622 sq. ft.
46540 C.L.S.	William Reid Gardner.....	18 Sept. 1890	15,110 sq. ft.
46528 C.L.S.	The James Smart Manufacturing Co. Ltd.....	19 Sept. 1890	14,250 sq. ft.
45043 C.L.S.	The James Smart Manufacturing Co. Ltd.....	29 June 1885	54,570 sq. ft.
10647 C.L.S.	Margaret Buell & Martha Ann Buell or Findlay.....	17 Mar. 1885	56,245 sq. ft.
47816 C.L.S.	Mary Connolly.....	27 Dec. 1894	24,500 sq. ft.
46441 C.L.S.	Edwin Perkins Comstock Et al.....	17 Feb. 1890	67,000 sq. ft.
<b>BELLEVILLE</b>			
44430 C.L.S.	The Corporation of the Town of Belleville, their successors assigns forever.....	24 Dec. 1883	38-60/100 acres
82694 C.L.S.	Canadian Northern Ontario Railway Co.....	15 May 1931	0.403 acre
82695	Campbellford, Lake Ontario and Western Railway Company.....	15 May 1931	1,380.5 sq. ft.
82716 C.L.S.	Canadian Northern Ontario Railway Co.....	15 May 1931	1,863.25 sq. ft.
41526 C.L.S.	Mary Jane Van Dusen, wife of Joseph G. Van Dusen.....	23 Jan. 1878	2-20/100 acres
<b>COLLINGWOOD</b>			
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	4/5 acre
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	1-3/5 acres
38351 C.L.S.	George Buck, Andrew Nelville, Thomas W. Fair.....	25 June 1874	3 acres
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	2/5 acre
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	9/20 acre
44893 C.L.S.	Jessie Hamilton.....	29 Jan. 1885	1,050 sq. ft.
38974 C.L.S.	George Moberly & Charles Gamon.....	18 Dec. 1874	1/10 acre
45632 C.L.S.	Peter Paterson, Henry Colwell - William W. Colwell.....	5 April 1887	61/100 acre



*Schedule C—Continued*

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>COLLINGWOOD</b>			
—Continued			
38973 C.L.S.	John Nettleton.....	18 Dec. 1874	19/100 acre
38953 C.L.S.	John Rowland.....	18 Dec. 1874	82/100 acre
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	1-1/2 acres
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	1/3 acre
47095 C.L.S.	The Grand Trunk Railway Company of Canada.....	24 Oct. 1892	44 acres
41955 C.L.S.	The Corporation of the Town of Collingwood	11 Oct. 1878	12-58/100 acres
42053 C.L.S.	Georgian Bay Lumber Co.....	24 Dec. 1878	8-92/100 acres
	Their Successors & Assigns		
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	3/5 acre
51048 C.L.S.	Hiram Norman Truesdell.....	9 Oct. 1903	1-37/100 acres
45306 C.L.S.	David Fleming.....	22 April 1886	3-63/100 acres
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	1/2 acre
49926 C.L.S.	John Wilson & James Brydon.....	25 Mar. 1901	3 acres
49927 C.L.S.	Corporation of the Town of Collingwood...	23 Mar. 1901	3 acres
49928 C.L.S.	The Collingwood Meat Company Ltd.....	22 Mar. 1901	14-1/2 acres
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	3/5 acre
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	3/5 acre
35265 C.L.S.	Lewis Moffat.....	18 July 1872	34-8/10 acres
<b>FORT WILLIAM</b>			
51140 C.L.S.	Alexander J. McComber.....	12 Nov. 1903	47.00 acres
55474 C.L.S.	Canadian Pacific Railway Co.....	28 April 1910	39.90 acres
56366 C.L.S.	Canadian Pacific Railway Co.....	27 Mar. 1911	1.60 acres
63702 P.L.S.	Canadian Pacific Railway Co.....	16 July 1918	21.50 acres
65976 C.L.S.	The Empire Elevator Co. Ltd.....	1 Mar. 1920	0.02 acre
58180 C.L.S.	The Fort William Terminal Railway and Bridge Company.....	24 April 1913	149.60 acres
55159 C.L.S.	Henry Thorpe Canniff.....	6 Dec. 1909	61.50 acres
52923 C.L.S.	John Thomas Horne.....	14 Dec. 1906	101.25 acres
55158 C.L.S.	Henry Thorpe Canniff.....	6 Dec. 1909	51.00 acres
53445 C.L.S.	Charles R. Dunsford.....	26 Sept. 1907	95.00 acres
58619 C.L.S.	Charles Henry Ritchie.....	19 Nov. 1913	106.00 acres
57519 C.L.S.	Minnie MacEdward.....	11 July 1912	46.00 acres
54241 C.L.S.	Samuel Wellington Ray.....	18 Dec. 1908	19.50 acres
54284 C.L.S.	Joseph Kilgour.....	12 Jan. 1909	19.50 acres
49847 C.L.S.	The Canadian Pacific Railway.....	21 Jan. 1901	1.21 acres
<b>GANANOQUE</b>			
51011 C.L.S.	The Corporation Town of Gananoque.....	5 Sept. 1903	3.00 acres
<b>KINGSTON</b>			
64399 C.L.S.	Alice F. Richardson, Robert G. Richardson & James A. Richardson.....	18 Feb. 1919	2.96 acres
79060 C.L.S.	Thomas Alexander McGinnis.....	29 Oct. 1928	17,500 sq. ft.
49852 C.L.S.	Jessie Primrose Dawson.....	3 Jan. 1901	2 acres
44790 C.L.S.	Isaac Simpson.....	2 Oct. 1884	1/2 acre
35759 C.L.S.	Mary Maloney, Wife of John Maloney, General Dealer.....	12 Dec. 1872	13,500 acres
<b>KINGSVILLE</b>			
47100 C.L.S.	Mettawas Summer Resort Co. Ltd.....	3 Nov. 1892	48.75 acres
58972 C.L.S.	Hugh Wilfred Leitch.....	28 May 1914	1.60 acres
<b>OWEN SOUND</b>			
46419 C.L.S.	James Edward Murphy.....	20 Jan. 1890	1-92/100 acres
46372 C.L.S.	James Edward Murphy.....	4 Nov. 1889	6-1/2 acres
50223 C.L.S.	Toronto Grey and Bruce Railway Company.	27 Dec. 1901	6-13/100 acres
35764 C.L.S.	Toronto Grey and Bruce Railway Company.	30 Nov. 1872	17 acres
47912 C.L.S.	Toronto Grey and Bruce Railway Company.	10 April 1895	21-42/100 acres
44860 C.L.S.	Toronto Grey and Bruce Railway Company.	2 Jan. 1885	8-30/100 acres
35765 C.L.S.	Toronto Grey and Bruce Railway Company.	30 Nov. 1872	18 acres
<b>PENETANGUISHENE</b>			
44141 C.L.S.	L. J. Breithaupt, John C. Breithaupt.....	11 May 1883	2.3 acres
42950 C.L.S.	Walter J. Keating.....	22 Jan. 1881	5.10 acres
42796 C.L.S.	Charles Beck.....	18 Sept. 1880	3.92 acres
42344 C.L.S.	Charles Beck.....	12 June 1879	2 acres
37400 C.L.S.	James S. McMurray.....	19 Dec. 1873	3-1/5 acres
38884 C.L.S.	J. S. McMurray, Charles Beck, Thomas R. Fuller.....	23 Nov. 1874	1.21 acres
36415 C.L.S.	J. S. McMurray.....	27 Mar. 1873	4.64 acres
38923 C.L.S.	Charles W. Robinson.....	14 Jan. 1875	1.5 acres
37715 C.L.S.	Louisa Anne Darling.....	16 Mar. 1874	63,200 sq. lk.
41685 C.L.S.	North Simcoe Railway Company.....	1 April 1878	52 acres
55505 C.L.S.	Charles Jules Picotte.....	5 May 1910	38 acres
59463 C.L.S.	Hermenegilde Picotte.....	22 Feb. 1915	4.7 acres

## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>PORT ARTHUR</b>			
52988 C.L.S.	Corporation of the Town of Port Arthur....	15 Jan. 1907	273 acres
44213 C.L.S.	Andrew Allen, Jackson Rae, Thomas D. Millburne, Alfred H. White, Donald A. Smith, George Stephen, George Alexander Drummond, Francis Stephen, Thomas Reynolds & Edmund Reynolds.....	30 May 1883	77 acres
93012 C.L.S.	Port Arthur Ship Building Co. Ltd.....	3 Mar. 1943	0.44 acre
65490 C.L.S.	United Grain Growers Ltd.....	12 Nov. 1919	12.16 acres
64397 C.L.S.	Saskatchewan Co-operative Elevator Company Ltd.....	17 Feb. 1919	10.26 acres
84753 C.L.S.	James Richardson & Sons Ltd.....	31 Mar. 1933	8.41 acres
48242 C.L.S.	The Canadian Pacific Railway Co.....	15 April 1896	1.32 acres
73180 C.L.S.	The Canadian Pacific Railway Co.....	28 Nov. 1924	0.56 acre
43138 C.L.S.	Christina McVicar.....	16 June 1881	73 acres
44685 C.L.S.	The Canadian Pacific Railway.....	24 July 1884	2.38 acres
44684 C.L.S.	The Canadian Pacific Railway.....	23 July 1884	0.82 acre
44183 C.L.S.	Frank Stayner Nugent.....	2 May 1883	3.652 acres
44318 C.L.S.	Alexander Lord Russell.....	6 Aug. 1883	1.8 acres
44683 C.L.S.	The Canadian Pacific Railway.....	23 July 1884	1.85 acres
44682 C.L.S.	The Canadian Pacific Railway.....	23 July 1884	0.94 acre
43770 C.L.S.	William Henry Laird.....	12 Oct. 1882	3.88 acres
43797 C.L.S.	John Catto.....	5 Oct. 1882	3.92 acres
44681 C.L.S.	The Canadian Pacific Railway.....	23 July 1884	1.95 acres
43846 C.L.S.	The Hon. James Cox Aikens.....	13 Nov. 1882	3.89 acres
44253 C.L.S.	The Hon. Croydon Partlow Brown.....	11 June 1883	3.86 acres
44680 C.L.S.	The Canadian Pacific Railway.....	22 July 1884	0.95 acre
43726 C.L.S.	William Henry Laird.....	14 Sept. 1882	3.85 acres
44194 C.L.S.	George I. Marks.....	4 June 1883	3.80 acres
44679 C.L.S.	The Canadian Pacific Railway.....	22 July 1884	1.84 acres
44678 C.L.S.	The Canadian Pacific Railway.....	21 July 1884	2.60 acres
43835 C.L.S.	Daniel F. Burk.....	31 Oct. 1882	6.94 acres
44677 C.L.S.	The Canadian Pacific Railway.....	19 July 1884	9.23 acres
44676 C.L.S.	The Canadian Pacific Railway.....	18 July 1884	1.60 acres
49821 C.L.S.	William Mackenzie, Donald D. Mann, & Roderick J. Mackenzie.....	3 Dec. 1900	1.25 acres
38819 C.L.S.	Noah Barnhart.....	13 Nov. 1874	1.50 acres
43790 C.L.S.	The Elevator "A" Shuniah Dock and Forwarding Co. Ltd.....	17 Oct. 1882	4.18 acres
43822 C.L.S.	Simon James Dawson.....	18 Oct. 1882	2.36 acres
44198 C.L.S.	Samuel Wellington Ray.....	1 June 1883	2.00 acres
43801 C.L.S.	George Allan Brown.....	24 Oct. 1882	1.16 acres
44200 C.L.S.	John Cann Hasking.....	29 May 1883	1.39 acres
44317 C.L.S.	Louis Ulrich Bonin.....	7 Aug. 1883	2.13 acres
43727 C.L.S.	George Clavet.....	26 Aug. 1882	1.55 acres
44196 C.L.S.	Margaret Ross.....	15 May 1883	1.55 acres
44405 C.L.S.	Donald Campbell.....	7 Dec. 1883	0.78 acre
44201 C.L.S.	Wilnot Horton Davis.....	4 June 1883	0.78 acre
43768 C.L.S.	The Lake Superior Dock Forwarding and Elevator Co.....	7 Sept. 1882	16.50 acres
44094 C.L.S.	The Thunder Bay Forwarding and Elevator Co.....	19 Mar. 1883	42.50 acres
44976 C.L.S.	James Conmee.....	2 April 1885	37 acres
40351 C.L.S.	Henry O'Brien.....	7 July 1876	95.20 acres
43645 C.L.S.	George Mountain Evans & John Gunn Robinson.....	3 July 1882	192.80 acres
43918 C.L.S.	James Watson.....	27 Dec. 1882	81.00 acres
46222 C.L.S.	Henry Lloyd Lyon and James Stuart Lyon.....	13 Nov. 1890	120.00 acres
44437 C.L.S.	Henry Lloyd Lyon.....	5 Jan. 1884	45.00 acres
<b>PRESCOTT</b>			
48180 C.L.S.	John Philip Wiser.....	17 Jan. 1896	2.02 acres
48179 C.L.S.	John Philip Wiser.....	16 Jan. 1896	1.08 acres
39350 C.L.S.	John Buckley.....	10 April 1875	29,930 sq. ft.
39358 C.L.S.	John Buckley and James Buckley.....	10 April 1875	15,425 sq. ft.
44702 C.L.S.	James Buckley.....	16 July 1884	26,990 sq. ft.
48365 C.L.S.	The Prescott Elevator Co. Ltd.....	3 Sept. 1896	20,460 sq. ft.
32764 C.L.S.	Lewis Walsh.....	13 Sept. 1869	13,200 sq. ft.
56801 C.L.S.	Canadian Pacific Railway Company.....	7 Oct. 1911	9 acres
56189 C.L.S.	Canadian Pacific Railway Company.....	20 Jan. 1911	17.5 acres
41075 C.L.S.	Samuel Miles Coons.....	22 May 1877	86,700 sq. ft.
48308 C.L.S.	Harry Horwood.....	20 May 1896	108,000 sq. ft.
58671 C.L.S.	Edward Donald.....	12 Jan. 1914	25.6 acres
<b>SARNIA</b>			
49599 C.L.S.	The Corporation of the Town of Sarnia....	16 May 1900	0.63 acre
44406 C.L.S.	James S. Loughead.....	7 Dec. 1883	13,440 sq. ft.
44211 C.L.S.	Raymond A. Baby.....	17 May 1883	4,000 sq. ft.
69805 C.L.S.	Port Huron and Sarnia Ferry Company.....	13 Oct. 1925	1/8 acre
76917 C.L.S.	Port Huron and Sarnia Ferry Company.....	25 June 1927	6,030 sq. ft.

## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>SARNIA</b>			
—Continued			
32088 C.L.S.	John R. Gimmell.....	8 Mar. 1869	11,900 sq. lks.
32089 C.L.S.	William B. Clark.....	8 Mar. 1869	11,900 sq. lks.
37054 C.L.S.	Charles James Morris.....	9 Sept. 1873	7,260 sq. ft.
37543 C.L.S.	Colonial Trusts Corp.....	23 Jan. 1874	1.6 acres
50156 C.L.S.	Liberty Dean Holden.....	19 Oct. 1901	3 acres
36808 C.L.S.	John Dandy.....	25 June 1873	4 acres
40435 C.L.S.	Henry James Slocum.....	18 Aug. 1876	4.5 acres
31958 C.L.S.	Lovina Slocum.....	30 Jan. 1869	4 acres
41188 C.L.S.	John Humphrey Jones.....	19 July 1877	101 acres
<b>SAULT STE. MARIE</b>			
58679 C.L.S.	The Algoma Steel Corp. Ltd.....	3 Dec. 1913	230.0 acres
53311 C.L.S.	The Lake Superior Power Co.....	8 June 1907	H=76.39 acres M=16.46 acres N=35.49 acres
53309 C.L.S.	The Algoma Commercial Co. Ltd.....	8 June 1907	I=41.50 acres J=21.06 acres
53310 C.L.S.	The Algoma Steel Co. Ltd.....	8 June 1907	K=47.40 acres L=10.13 acres
48273 C.L.S.	The Lake Superior Power Co.....	8 April 1896	28.09 acres
	The Dominion Government.....	12 Dec. 1906	50 acres
	The Dominion Government.....	20 Dec. 1901	57 acres
45897 C.L.S.	The Sault Ste. Marie Bridge Company.....	18 Feb. 1888	2.02 acres
47811 C.L.S.	The Corporation of the Town of Sault Ste. Marie.....	13 Dec. 1894	38 acres
41128 C.L.S.	John Laird and Jonathan Henderson.....	7 June 1877	12 acres
85325 C.L.S.	Great Lakes Power Co. Ltd.....	15 Nov. 1933	32/100 acre
47809 C.L.S.	The Ontario, Sault Ste. Marie Water, Light and Power Company.....	14 Dec. 1894	27 acres
	The Dominion Government.....	27 Dec. 1901	28.22 acres
	The Dominion Government.....	12 Dec. 1906	5 acres
56688 C.L.S.	The Algoma Central and Hudson Bay Railway Co.....	17 Aug. 1911	2.55 acres
45790 C.L.S.	John Richards.....	1 Oct. 1887	1.3 acres
49770 C.L.S.	Joseph Cozens.....	17 Sept. 1900	1 acre
46004½ C.L.S.	Joseph Cozens.....	14 June 1888	1 acre
46004 C.L.S.	Joseph Cozens.....	14 June 1888	1.6 acres
45959 C.L.S.	Charles Ripley.....	27 April 1888	1¾ acres
46003 C.L.S.	William Henry Plummer.....	14 June 1888	3-5/10 acres
46019 C.L.S.	Thomas A. Reynolds.....	12 July 1888	3 acres
45874 C.L.S.	Lucy Richards.....	31 Jan. 1888	1½ acres
45726 C.L.S.	John Macpherson Hamilton.....	13 June 1887	1.5 acres
46005 C.L.S.	William Henry Plummer.....	14 June 1888	1-6/10 acres
46343 C.L.S.	David J. Millar.....	9 Oct. 1889	1-6/10 acres
45964 C.L.S.	Willet Francis Ferris.....	7 May 1888	3 acres
51014 C.L.S.	The Algoma Commercial Co. Ltd.....	5 Oct. 1903	4/10 acre
45705 C.L.S.	Joseph Wilson.....	9 June 1887	3½ acres
58334 C.L.S.	The Algoma Central Terminals Ltd.....	7 Aug. 1913	16.86 acres
45487 C.L.S.	James Manning.....	28 Sept. 1886	3½ acres
40595 C.L.S.	The Hon. Walter McCrea.....	13 Nov. 1876	4-1/3 acres
57351 C.L.S.	The Algoma Central and Hudson Bay Railway Co.....	3 May 1912	1-1/3 acres
45931 C.L.S.	Charles Ripley.....	22 Mar. 1888	2 acres
45963 C.L.S.	William Henry Plummer.....	2 May 1888	2 acres
51002 C.L.S.	Adam Brown MacKay.....	18 Sept. 1903	1 acre
48620 C.L.S.	Florence Henrietta Farwell.....	6 July 1897	10 acres
57004 C.L.S.	Corporation of the Town of Sault Ste. Marie	27 Dec. 1911	2.51 acres
58715 C.L.S.	Soo Falls Brewing Co. Ltd.....	29 Dec. 1913	0.65 acre
57756 C.L.S.	The Sims Lumber Co. of Sault Ste. Marie Ltd.....	14 Oct. 1912	1.62 acres
48895 C.L.S.	Robert D. Perry.....	9 May 1898	1 acre
45996 C.L.S.	Henry Wood.....	4 June 1888	3 acres
46002 C.L.S.	Raymond Miron.....	15 June 1888	3.38 acres
58742 C.L.S.	The Corporation of the City of Sault Ste. Marie.....	15 Jan. 1914	5.5 acres
45997 C.L.S.	John James Kehoe.....	4 June 1888	2 acres
49905 C.L.S.	John M. Stephens.....	1 Mar. 1901	2 acres
44741 C.L.S.	Edward Sayer.....	13 Aug. 1884	5 acres
59685 C.L.S.	Joseph Ganley.....	2 June 1915	0.36 acre
50895 C.L.S.	The International Transit Company.....	12 June 1903	1.27 acres
59500 C.L.S.	The McPhail & Wright Construction Co. Ltd.....	23 Mar. 1915	1/8 acre
59249 C.L.S.	Isaac James Downey.....	19 Oct. 1914	0.24 acre
59141 C.L.S.	Sarah Ann Toombs.....	12 Aug. 1914	0.1 acre
59873 C.L.S.	John A. Shannon.....	10 Nov. 1915	.07 acre
55963 C.L.S.	The Sault Ste. Marie Coal and Wood Co. Ltd.....	21 Oct. 1910	1.53 acres
45894 C.L.S.	William Henry Plummer.....	18 Feb. 1888	1/6 acre
50557 C.L.S.	George Gilmore Farwell.....	14 Oct. 1902	0.14 acre



## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>SAULT STE. MARIE</b> —Continued			
38845 C.L.S.	Joachim Biron.....	16 Nov. 1874	5 acres
38752 C.L.S.	James A. Gouin.....	7 Oct. 1874	3¼ acres
45741 C.L.S.	Etienne Jollineau.....	4 July 1887	4 acres
44362 C.L.S.	Victory Atkins.....	19 Sept. 1883	1.1 acres
21744 R.J.	Roman Catholic Church c/o Rev. John Francis Jamot.....	3 April 1880	1 acre
42112 C.L.S.	Richard Carney.....	25 Jan. 1879	2¼ acres
44357 C.L.S.	William Orlando Luscombe.....	14 Sept. 1883	1.73 acres
43250 C.L.S.	James Gardner.....	15 Oct. 1881	2-4/5 acres
58837 C.L.S.	The Corporation of the City of Sault Ste. Marie.....	31 Mar. 1914	4.36 acres
44631 C.L.S.	Jane McRae, Isabella Cameron, Margaret Cameron and Clementina Cameron.....	11 June 1884	1.70 acres
39733 C.L.S.	James Phipps and Edward Herrick.....	9 Oct. 1875	.77 acre
45986 C.L.S.	Henry Penno.....	29 May 1888	1.5 acres
47867 C.L.S.	Sault Ste. Marie Bridge Co.....	2 Mar. 1895	¾ acre
<b>TORONTO</b>			
47586 C.L.S.	The Corp. of the City of Toronto.....	19 April 1894	6.47 acres
48762 C.L.S.	The Corp. of the City of Toronto.....	15 Dec. 1897	345.0 acres
21747 R.J.	The Corp. of the City of Toronto.....	18 May 1880	1,385.0 acres
<b>WHITBY</b>			
52191 C.L.S.	The Port Whitby Harbour Company.....	4 Dec. 1905	1.91 acres
52192 C.L.S.	The Corporation of the Town of Whitby...	4 Dec. 1905	6.15 acres
52150 C.L.S.	Lawrence Heyden.....	4 Nov. 1905	1.8 acres
49653 C.L.S.	Lawrence Heyden.....	17 May 1900	13.58 acres
<b>WINDSOR</b>			
102098 C.L.S.	H.E.P.C. of Ontario.....	8 Mar. 1950	2.213 acres
40102 C.L.S.	James C. Patterson.....	14 Mar. 1876	1 acre 3 roods 18 perches
45309 C.L.S.	George Buchanan The Younger.....	27 April 1886	11 acres 3 roods 36 perches
57309 C.L.S.	The Bank of Toronto.....	11 April 1912	2.10 acres
58339 C.L.S.	The Pittsburgh Coal Co.....	17 July 1913	2.20 acres
50867 C.L.S.	Reinhardt Gluns.....	21 May 1903	1.00 acre
44529 C.L.S.	Arthur Keith Stewart & MacAlpine Robertson.....	12 Mar. 1884	4 acres 4¾ perches
44528 C.L.S.	Arthur Keith Stewart & MacAlpine Robertson.....	13 Mar. 1884	7 acres 9¾ perches
50667 C.L.S.	William C. Weber.....	8 Dec. 1902	6.84 acres
105940 C.L.S.	The Corp. of the City of Windsor.....	18 Mar. 1952	1.388 acres
88397 C.L.S.	Confed. Coal and Coke Ltd.....	6 July 1936	3.84 acres
91427 C.L.S.	Empire Coal Co. Ltd.....	2 Feb. 1940	2.47 acres
57726 C.L.S.	William Phillips.....	3 Oct. 1912	2.30 acres
77489 C.L.S.	Cadwells Ltd.....	1 Nov. 1927	0.129 acre
47468 C.L.S.	Mary J. Lambert.....	3 Jan. 1894	2.14 acres
91823 C.L.S.	Concoal Sales Co. of Canada Ltd.....	7 Nov. 1940	0.02 acre
84977 C.L.S.	John Henry Rodd.....	20 July 1933	3.62 acres
51391 C.L.S.	John G. Watson.....	27 June 1904	2.77 acres
52205 C.L.S.	George W. Mason.....	6 Dec. 1905	0.21 acre
76988 C.L.S.	Toronto General Trusts Corp.....	11 July 1927	0.92 acre
114997 C.L.S.	Ryan Builders Supplies Ltd.....	29 Jan. 1957	0.126 acre
102601 C.L.S.	Ryan Contracting Co. Ltd.....	18 July 1950	1.687 acres
104009 C.L.S.	Ryan Contracting Co. Ltd.....	16 Mar. 1951	3.097 acres
82692 C.L.S.	Samuel P. West & Ada C. West.....	26 May 1931	8.868 sq. ft.
76066 C.L.S.	Samuel P. West.....	12 Nov. 1926	3,882 sq. ft.
37634	John B. Gauthier.....	5 Feb. 1874	2.75 acres
49737 C.L.S.	The R.C. Episcopal Corp. Diocese of London	1 Aug. 1900	3.70 acres
35017 C.L.S.	Mary McKinsty.....	6 April 1872	1 acre 65,984 sq. lks.
34738 C.L.S.	George Parent.....	26 Jan. 1872	1.285 acres
44275 C.L.S.	Incorporated Synod Dioc. of Huron.....	5 July 1883	21,948 sq. links
46269 C.L.S.	Arthur Rankin.....	31 May 1889	0.436 acre
38267 C.L.S.	R. L. MacGregor.....	16 May 1874	0.46 acre
95122 C.L.S.	The Canada Southern Rlwy. Co.....	14 April 1945	3.61 acres
30699½ C.L.S.	Luc Ouillette.....	29 Jan. 1868	0.50 acre
43813 C.L.S.	Alex Cameron, Francis Cleary and John Curry.....	3 Oct. 1882	0.73 acre
53010 C.L.S.	Detroit River Tunnel Co.....	18 Jan. 1907	2.10 acres
42533 C.L.S.	Charles L. Potter.....	4 Feb. 1880	0.22 acre
46280 C.L.S.	Robert Meighen.....	12 June 1889	0.98 acre
76456 C.L.S.	Ontario and Quebec Rlwy. Co.....	5 Mar. 1927	0.15 acre
45427 C.L.S.	John F. Bell Et Al.....	21 July 1886	1 Rood 22 Perches
71279 C.L.S.	Ontario and Quebec Rlwy. Co.....	23 Aug. 1923	0.21 acre
39087 C.L.S.	Robert Rae.....	14 Jan. 1875	1 Rood 35 Perches



*Schedule C—Continued*

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<i>WINDSOR—Cont.</i>			
50929 C.L.S.	The Canadian Pacific Rlwy. Co.....	13 July 1903	0.44 acre
46777 C.L.S.	John McGregor Sr., Donald McGregor, John McGregor Jr.....	29 April 1891	0.52 acre
47488 C.L.S.	The Grand Trunk Rly. Co. of Canada.....	20 Jan. 1894	0.545 acre
47739 C.L.S.	John Piggott.....	19 Sept. 1894	5,984 sq. ft.
75156 C.L.S.	Cross Builders Supply Co. Ltd.....	30 April 1926	0.10 acre
39030 C.L.S.	William Rolf and T. Schmidt.....	4 Jan. 1875	36,330 sq. ft.
47487 C.L.S.	The Grand Trunk Rlwy. Co. of Canada.....	22 Jan. 1894	1.11 acres
49106 C.L.S.	Chas. Bell Alex Crawford Estate.....	18 Oct. 1898	2,352 sq. ft.
43526 C.L.S.	Vital Ouillette.....	18 April 1882	14,880 sq. ft.
62101 C.L.S.	Detroit and Windsor Ferry Co.....	9 May 1917	1.07 acres
38323 C.L.S.	Anne E. Russell.....	13 June 1874	9,032 sq. ft.
38324 C.L.S.	Louis Davenport.....	13 June 1874	9,032 sq. ft.
2609	Detroit and Windsor Subway Co.....	31 Dec. 1957	3.92 acres
78066 C.L.S.	Canadian National Rlwy. Co.....	9 Mar. 1928	0.58 acre
94904 C.L.S.	Canadian National Rlwy. Co.....	31 Jan. 1945	2.29 acres
93652 C.L.S.	Hiram Walker and Sons Ltd.....	14 Oct. 1943	0.017 acre
74991 C.L.S.	Walkerville Land & Building Co. Ltd.....	9 Mar. 1926	0.07 acre
74990 C.L.S.	Hiram Walker and Sons Ltd.....	8 Mar. 1926	0.617 acre
37297 C.L.S.	Hiram Walker and Sons Ltd.....	22 Nov. 1873	5.25 acres
38714 C.L.S.	Luc Montreuil.....	7 Oct. 1874	2 ac. 1 Rood 37 Perches
73367 C.L.S.	Hiram Walker and Sons Ltd.....	7 Jan. 1925	0.22 acre
72260 C.L.S.	Merlo, Merlo & Ray Ltd.....	3 April 1924	0.097 acre
54820 C.L.S.	Albert T. Montreuil.....	2 Aug. 1909	0.38 acre
93570 C.L.S.	Ford Motor Co. of Canada Ltd.....	8 Sept. 1943	0.003 acre
75146 C.L.S.	Ford Motor Co. of Canada Ltd.....	23 April 1926	0.075 acre
60751 C.L.S.	Ford Motor Co. of Canada Ltd.....	21 July 1916	0.68 acre
56896 C.L.S.	Sarah H. L. Johnson.....	6 Dec. 1911	1.89 acres
56691 C.L.S.	Barney Maisonneville.....	24 Aug. 1911	1.36 acres
40990 C.L.S.	Robert J. Orris and George W. Girdlestone.....	20 April 1877	1 acre 2 Roods 27 Perches
72038 C.L.S.	Ford Motor Co. of Canada Ltd.....	13 Feb. 1924	1.77 acres
51201 C.L.S.	Luce Drouillard.....	6 Jan. 1904	0.66 acre
45035 C.L.S.	F. X. Drouillard.....	22 June 1885	2.186 acres
39328 C.L.S.	George Bell.....	12 Mar. 1875	1-1/3 acres
37646 C.L.S.	Hiram Walker.....	14 Feb. 1874	1.50 acres
35120 C.L.S.	William F. Reily.....	7 Mar. 1872	2 Roods 25 Perches
35119 C.L.S.	Piere Langlois.....	7 May 1872	2 Roods 25 Perches
46356 C.L.S.	W. J. Partridge.....	14 Oct. 1889	1.46 acres
90957 C.L.S.	Ford Motor Co. of Canada Ltd.....	17 April 1939	1.00 acre
62044 C.L.S.	Albert T. Montreuil.....	5 May 1917	0.27 acre
41806 C.L.S.	Archange M. Askin.....	6 June 1878	3.00 acres
108735 C.L.S.	The Corp. of the City of Windsor.....	28 Aug. 1953	2.35 acres
56464 C.L.S.	Frank J. Webber.....	5 May 1911	0.53 acre
57081 C.L.S.	Robert Henkel.....	27 Jan. 1912	0.55 acre
51774 C.L.S.	Henrietta E. Westcott.....	23 Nov. 1908	0.56 acre
56862 C.L.S.	Helen N. Hoyt.....	10 Nov. 1911	0.58 acre
44298 C.L.S.	Archange Parent.....	27 July 1883	2.434 acres
44279 C.L.S.	Robert Barr.....	10 July 1883	0.83 acre
44960 C.L.S.	Noah Parent.....	20 Mar. 1885	4.00 acres
44916 C.L.S.	Benjamin Meloche.....	4 Mar. 1885	3.36 acres
41887 C.L.S.	Charles Janisse.....	13 Aug. 1878	2.39 acres
48177 C.L.S.	William G. Latimer.....	21 Jan. 1896	0.82 acre
56741 C.L.S.	Rosa Merbach.....	6 Sept. 1911	0.83 acre
58239 C.L.S.	M. L. Janisse.....	19 May 1913	1.97 acres
51570 C.L.S.	G. H. Bennett.....	11 Oct. 1904	0.91 acre
51878 C.L.S.	F. H. MacPherson.....	10 May 1905	0.90 acre
45851 C.L.S.	Adolphe Parent.....	7 Dec. 1887	2 acres 1 Rood 25 Perches
49452 C.L.S.	Charles Janisse.....	8 Dec. 1889	1.54 acres
42659 C.L.S.	William Armstrong.....	23 April 1880	2 Roods 17½ Perches
55688 C.L.S.	T. W. McGregor.....	13 July 1910	2.71 acres

The grants and quit claims in this Schedule are on record in the Department of Lands and Forests at Toronto.



## CHAPTER 96

**An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$125,000,000. <sup>Loans up to \$125,000,000 authorized</sup>

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. <sup>Idem</sup>

**2.** Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. <sup>Idem</sup>

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Ontario Loan Act, 1962-63*.



## CHAPTER 97

**An Act to amend  
The Ontario Municipal Board Act**

*Assented to (except sec. 1 (1) ) April 3rd, 1963*

*Sec. 1 (1) assented to April 26th, 1963*

*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 64 of *The Ontario Municipal Board Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 274, s. 64,  
amended

(1a) The approval of the Board mentioned in subsection 1 means and, notwithstanding the decision of any court, shall be deemed always to have meant the approval of the undertaking, work, project, scheme, act, matter or thing mentioned in subsection 1. Approval  
of Board

(2) Subsection 2 of the said section 64 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 274, s. 64,  
subs. 2,  
re-enacted

(2) Subsection 1 does not apply, Application  
of section

(a) to the exercise of powers to proceed with any of the undertakings, works, projects, schemes, acts, matters or things referred to in subsection 2 of section 286 of *The Municipal Act* except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality; or R.S.O. 1960,  
c. 249

(b) to the appointment of an engineer, land surveyor or commissioner under *The Municipal Drainage Act*. R.S.O. 1960,  
c. 252

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Ontario Municipal Board Amendment Act, 1962-63*. Short title



## CHAPTER 98

# An Act to amend The Ontario-St. Lawrence Development Commission Act

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1, 2, 3 and 4 of section 2 of *The Ontario-St. Lawrence Development Commission Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 279, s. 2, subss. 1-4, re-enacted

- (1) The Ontario-St. Lawrence Development Commission Commission is continued as a corporation without share capital, and shall be composed of not fewer than three and not more than fifteen members appointed by the Lieutenant Governor in Council.
- (2) The Lieutenant Governor in Council shall designate Chairman, vice-chairman one member as chairman and may designate one member as vice-chairman.
- (3) The chairman and the vice-chairman, if any, shall be paid such salary as is fixed by the Lieutenant Governor in Council. Remuneration of chairman and vice-chairman
- (4) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman or, if none, such member of the Commission as the Commission designates for such purpose shall act as and have all the powers of the chairman. Acting chairman

2. Section 3 of *The Ontario-St. Lawrence Development Commission Act* is repealed. R.S.O. 1960, c. 279, s. 3, repealed

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1962-63*. Short title





## CHAPTER 99

# An Act to amend The Ontario Water Resources Commission Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2, as re-enacted by section 2 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, and subsections 3, 4 and 5, as enacted by section 2 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, of section 10 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 281, s. 10,  
subs. 2  
(1960-61,  
c. 71, s. 2),  
re-enacted;  
subss. 3-5  
(1960-61,  
c. 71, s. 2),  
repealed

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Employees'  
superannua-  
tion  
benefits  
R.S.O. 1960,  
c. 332

2. Subsection 1 of section 16 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 281, s. 16,  
subs. 1,  
amended

(ea) to disseminate information and advice with respect to the collection, production, transmission, treatment, storage, supply and distribution of water or sewage, and to charge fees in respect thereof.

3. Section 28 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 281, s. 28,  
re-enacted

28.—(1) The Commission may define an area that includes a source of public water supply,

Area  
defined for  
protection  
of public  
water  
supply

(a) wherein no person shall swim or bathe and no material of any kind that may impair the quality of the water therein shall be placed, deposited, discharged or allowed to remain; or

(b)

- (b) wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply,

and thereupon the municipality or person who has a right to use the water from such source for the purpose of a public water supply shall give notice of the area so defined by publication, posting or otherwise as the Commission deems necessary for the protection of the source of public water supply.

Offences

(2) Every person,

- (a) who swims or bathes within an area defined under clause *a* of subsection 1 or who places, deposits, discharges or allows to remain within such an area any material of any kind that may impair the quality of the water therein; or
- (b) who does any act or takes water within an area defined under clause *b* of subsection 1 so that the amount of water available within the area as a public water supply may be unduly diminished,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

Application

- (3) Subsection 2 does not apply where the act or taking of water that may unduly diminish the amount of water available as a public water supply within an area defined under subsection 1 was commenced before the notice of the area is given as required under subsection 1.

R.S.O. 1960,  
c. 281, s. 28a  
(1960-61,  
c. 71, s. 3),  
subs. 2,  
cl. a,  
amended

4.—(1) Clause *a* of subsection 2 of section 28a of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by inserting after “are” in the second line “constructed”, so that the clause shall read as follows:

- (a) by means of a well or wells or excavation or excavations that are constructed, bored, drilled, dug or deepened after this section comes into force; or

. . . . .

(2) Subsection 5 of the said section 28a, as enacted by sub-<sup>R.S.O. 1960,</sup>  
 section 2 of section 6 of *The Ontario Water Resources Com-*<sup>c. 281, s. 28a,</sup>  
*mission Amendment Act, 1961-62*, is amended by striking out<sup>subs. 5</sup>  
 "\$50" in the fifth line and inserting in lieu thereof "\$200",<sup>(1961-62,</sup>  
 so that the subsection shall read as follows:<sup>c. 99, s. 6,</sup>  
<sup>subs. 2),</sup>  
<sup>amended</sup>

- (5) Every person who contravenes subsection 2 or any <sup>Offence</sup>  
 of the terms and conditions of a permit issued by the  
 Commission is guilty of an offence and on summary  
 conviction is liable to a fine of not more than \$200  
 for every day the contravention continues.

5. Subsection 9 of section 32 of *The Ontario Water Resources* <sup>R.S.O. 1960,</sup>  
*Commission Act* is amended by striking out "the sewage works <sup>c. 281, s. 32,</sup>  
 constituted a public utility owned by the municipality" in <sup>subs. 9,</sup>  
 the sixth and seventh lines and inserting in lieu thereof "the <sup>amended</sup>  
 municipality itself were proposing to construct, were con-  
 structing or had constructed the works or were operating and  
 maintaining the works", so that the subsection shall read as  
 follows:

- (9) Where an agreement is made under subsection 7 or <sup>Municip-</sup>  
 an order is made under subsection 8, the municip- <sup>ality may</sup>  
 ality into which the sewage works are extended may <sup>collect as</sup>  
 assess, levy and collect as taxes the amounts to be <sup>taxes</sup>  
 paid under the agreement or order in the same manner <sup>amounts</sup>  
 and to the same extent as if the municipality itself <sup>agreed or</sup>  
 were proposing to construct, were constructing or <sup>ordered to</sup>  
 had constructed the works or were operating and <sup>be paid</sup>  
 maintaining the works.

6. Section 41 of *The Ontario Water Resources Commission* <sup>R.S.O. 1960,</sup>  
*Act* is amended by adding thereto the following subsection: <sup>c. 281, s. 41,</sup>  
<sup>amended</sup>

- (1a) Where a by-law under subsection 1 imposes a sewer <sup>Commuta-</sup>  
 rate or water works rate upon owners or occupants <sup>tion of</sup>  
 of land, the council of the municipality may provide <sup>rates</sup>  
 for commutation for a payment in cash of the whole  
 or any part of the rate imposed and may prescribe  
 the terms and conditions thereof.

7.—(1) Subsection 1 of section 47 of *The Ontario Water* <sup>R.S.O. 1960,</sup>  
*Resources Commission Act*, as amended by section 14 of *The* <sup>c. 281, s. 47,</sup>  
*Ontario Water Resources Commission Amendment Act, 1961-62*, <sup>subs. 1,</sup>  
 is further amended by adding thereto the following clause: <sup>amended</sup>

- (kb) providing for a grievance board and prescribing its  
 jurisdiction, powers and duties, including any powers  
 that may be conferred upon a commission under *The* <sup>R.S.O. 1960,</sup>  
*Public Inquiries Act*, designating the classes of its <sup>c. 323</sup>

employees that may grieve, and prescribing the procedures to be followed for hearing and dealing with grievances.

R.S.O. 1960,  
c. 281, s. 47,  
amended (2) The said section 47 is amended by adding thereto the following subsection:

Proceedings  
to enforce  
plumbing  
regulations (4) Proceedings to enforce regulations made under clause *e* of subsection 1 may be instituted within one year after the time when the subject-matter of the proceedings arose.

Commence-  
ment **8.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem (2) Section 1 shall be deemed to have come into force on the 1st day of January, 1963.

Short title **9.** This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1962-63*.



## CHAPTER 100

**An Act to amend  
The Ophthalmic Dispensers Act, 1960-61**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 7 of *The Ophthalmic Dispensers Act*,<sup>1960-61, c. 72, s. 7, cl. b, re-enacted</sup> 1960-61 is repealed and the following substituted therefor:

(*b*) has completed a course of study in a school of ophthalmic dispensing approved under the regulations and has had practical training for one year in Canada with an ophthalmic dispenser or optometrist.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sub>ment</sub>

**3.** This Act may be cited as *The Ophthalmic Dispensers* <sup>Short title</sup>*Amendment Act, 1962-63.*



## CHAPTER 101

## An Act to amend The Parks Assistance Act

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Parks Assistance Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 285, s. 1,  
amended

(ca) "municipality" includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act. R.S.C. 1952,  
c. 149

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Parks Assistance Amendment Act, 1962-63*. Short title





## CHAPTER 102

**An Act to amend  
The Partnerships Registration Act**

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 2 of section 11 of *The Partnerships Registration Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 289, s. 11, subs. 2, re-enacted

(2) The registrar is entitled to such fees upon the performance of any official function under this Act as are prescribed by the regulations. Fees

(2) Subsection 6 of the said section 11 is repealed.

R.S.O. 1960, c. 289, s. 11, subs. 6, repealed

**2.** *The Partnerships Registration Act* is amended by adding thereto the following section: R.S.O. 1960, c. 289, amended

**15.** The Lieutenant Governor in Council may make regulations, Regulations

(a) respecting the books and records to be kept by registrars of deeds for the purposes of this Act;

(b) requiring the payment of fees to registrars of deeds upon the performance of any official function under this Act and prescribing the amounts thereof;

(c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

**4.** This Act may be cited as *The Partnerships Registration Amendment Act, 1962-63*. Short title



## CHAPTER 103

**An Act to provide for the Extension, Improvement and Solvency of Pension Plans and for the Portability of Pension Benefits**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,****Interpre-  
tation**

- (a) "Commission" means the Pension Commission of Ontario;
- (b) "eligible employee" means an employee who has attained the age of thirty years but who has not attained the age of seventy years and who is a member of a mandatory group, but does not include an employee engaged in excepted employment as prescribed by the regulations, and "eligible employment" means employment as an eligible employee;
- (c) "employee" means an individual who performs in Ontario service on a full-time basis for a continuous period of not less than six months, under a contract of service or of apprenticeship, and includes an officer of a corporation, and "service on a full-time basis" means employment for an average work week of twenty-four hours or more throughout such continuous period of not less than six months;
- (d) "employer" means,
  - (i) in relation to an employee, the person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business in Ontario from whom the employee receives his remuneration, and

(ii)

- (ii) in relation to a mandatory group, a person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business in Ontario who employs a mandatory group,

and includes Her Majesty in right of Ontario, an agent of Her Majesty or a municipality as defined in *The Department of Municipal Affairs Act*;

R.S.O. 1960,  
c. 98

- (e) "life annuity" means an annuity that continues for the duration of the life of the annuitant, whether or not it is thereafter continued to some other person, and "deferred life annuity" means a life annuity that commences at retirement age under a pension plan, but in any event not later than age seventy years;
- (f) "mandatory group" means a group of fifteen or more employees,
  - (i) employed by the same employer or by two or more employers who do not deal with each other at arm's length or who would be deemed not to deal with each other at arm's length under section 1 of *The Corporations Tax Act*, or
  - (ii) employed by a trade association or other group of employers with which the employees have entered into a master contract governing rates of pay and conditions of work,

R.S.O. 1960,  
c. 73

and "non-mandatory group" means a group of fewer than fifteen employees who are so employed;

- (g) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;
- (h) "pension benefit" means the aggregate annual, monthly or other periodic amounts to which an eligible employee will become entitled at retirement age under a pension plan, and "pension benefit credit" means the value at a particular time of the pension benefits and any other benefits provided under the pension plan to which an eligible employee has become irrevocably entitled;



- (i) "pension plan" means a superannuation or pension fund or plan organized and administered to provide a pension benefit for employees, and includes,
- (i) a unit benefit plan under which pension benefits are determined with reference to remuneration of an employee for each year of service, or for a selected number of years of service,
  - (ii) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee,
  - (iii) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount, and
  - (iv) a deferred profit sharing pension plan other than a profit sharing plan as defined in sections 52 and 53a of *The Corporations Tax Act*; R.S.O. 1960, c. 73
- (j) "registered pension plan" means a pension plan that is registered with and certified by the Commission as a plan organized and administered in accordance with Part III of this Act;
- (k) "regulations" means the regulations made under this Act;
- (l) "remuneration" means basic or regular salary or wages, and commissions;
- (m) "single life annuity" means an annuity that continues only for the duration of the life of the annuitant;
- (n) "standard pension plan" means all or that part of a registered pension plan that provides for payments of the pension benefits and any other benefits required to be provided by subsection 1 of section 17;
- (o) "Superintendent" means the Superintendent of Pensions; and
- (p) "supplementary pension plan" means all or that part of a registered pension plan that provides pension benefits and any other benefits for all or any

members of a mandatory group apart from or in addition to the pension benefits and any other benefits provided for the same mandatory group by a standard pension plan.

## PART I

### PENSION COMMISSION

Pension  
Commission  
established

**2.—(1)** The Pension Commission of Ontario is hereby established and shall be composed of not fewer than five and not more than nine members as the Lieutenant Governor in Council from time to time determines.

Appoint-  
ments

**(2)** The Lieutenant Governor in Council shall appoint the chairman, the vice-chairman and the other members of the Commission, each of whom shall hold office for a term of three years, except that, of those first appointed, one-third, or as nearly as may be, shall be appointed for a term of one year, one-third, or as nearly as may be, for a term of two years, and the remainder for a term of three years.

Re-  
appointment

**(3)** Every member of the Commission is eligible for re-appointment upon the completion of his term of office.

Acting  
chairman

**3.** In the event of the absence of the chairman and the vice-chairman, such member of the Commission as the members of the Commission designate for the purpose shall act as and have the powers of the chairman.

Vacancies

**4.** The Lieutenant Governor in Council may fill any vacancy that occurs from time to time in the membership of the Commission.

Quorum

**5.** One-half or more of the members of the Commission constitute a quorum, whether or not a vacancy exists in the membership of the Commission.

Terms of  
employment

**6.—(1)** The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, salary ranges and the terms and conditions of employment of the members of its staff.

R.S.O. 1960,  
c. 332,  
applicable

**(2)** *The Public Service Superannuation Act* applies to the permanent members of the staff of the Commission and to those members of the Commission designated by the Lieutenant Governor in Council.

Security

**(3)** Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*.

R.S.O. 1960,  
c. 326

7.—(1) It is the function of the Commission and it has <sup>Function and powers of Commission</sup> power,

- (a) to promote the establishment, extension and improvement of pension plans throughout Ontario;
- (b) to accept for registration all pension plans required to be registered or filed for registration with the Commission under this Act, and to reject any pension plan that does not qualify for registration;
- (c) to administer and enforce this Act, and to withdraw pension plan certificates of registration issued in respect of pension plans that,
  - (i) fail to meet the tests for solvency prescribed by the regulations, or
  - (ii) otherwise cease to qualify for registration under this Act;
- (d) to conduct surveys and research programmes and to obtain statistics for the purposes of the Commission;
- (e) to assess, collect and retain for the purposes of the Commission fees for the registration and annual supervision of pension plans as prescribed by the regulations;
- (f) if deemed advisable, to establish or to support the establishment of an insurance fund for the purpose of underwriting pension fund deficiencies arising because of the insolvency of pension funds; and
- (g) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

(2) The Commission may, subject to the approval of the <sup>Reciprocal agreements</sup> Lieutenant Governor in Council, enter into agreements with the authorized representatives of other provinces and of the Government of Canada to provide for the reciprocal payment and receipt of amounts as pension benefit credits for the account of employees who change their place of employment and for the reciprocal audit and inspection of pension plans.

8.—(1) The Commission shall appoint the Superintendent <sup>Superintendent of Pensions</sup> of Pensions who shall be the chief administrative officer of the Commission.

Adminis-  
trative  
divisions

(2) The Commission may establish such administrative divisions as appear to be appropriate from time to time.

Appropriations

**9.** The moneys required for the purposes of the Commission, in addition to the fees and charges assessed under clause *e* of subsection 1 of section 7 and fines imposed under section 22 and retained by the Commission, shall be paid out of the Consolidated Revenue Fund during the fiscal year 1963-64, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Audit

**10.** The accounts and financial transactions of the Commission shall be examined annually by the Provincial Auditor.

Annual  
report

**11.—(1)** The Commission shall make an annual report of the affairs of the Commission to the Minister.

Advisory  
Review  
Committee

(2) The Lieutenant Governor in Council shall, in 1970 and at intervals of five years thereafter, appoint a committee of not fewer than five members, to be known as the Advisory Review Committee, to advise and assist the Minister by reporting to him its recommendations for amendments to this Act and to the regulations.

Tabling  
of reports

(3) The Minister shall submit the annual report and the report of the Advisory Review Committee to the Lieutenant Governor in Council and shall then lay the reports before the Assembly if it is in session or, if not, at the next ensuing session.

Conflict

**12.** In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails.

## PART II

### CENTRAL PENSION AGENCY

Central  
Pension  
Agency

**13.** The Lieutenant Governor in Council may establish or designate an agency known as the Central Pension Agency for the purposes, among others, of receiving, holding and disbursing pension benefit credits under this Act.

## PART III

### REGISTRATION OF PENSION PLANS

Registration  
of pension  
plans

**14.—(1)** Every employer of a mandatory group shall,

(a) on or before the 1st day of January, 1964, file with the Commission an information return in the pre-

scribed



scribed form in respect of every pension plan administered by or on behalf of the employer or the mandatory group at any time on or after the 1st day of January, 1961, together with a copy of every such plan;

- (b) establish a standard pension plan to become effective on or before the 1st day of January, 1965, by amendment of any pre-existing pension plan or by establishing a new plan, and file a copy of the standard pension plan with the Commission for registration on or before the 1st day of July, 1964, or as soon thereafter as the Commission requires; and
- (c) on and after the 1st day of January, 1965, maintain the registered standard pension plan in force as a pension plan qualified for registration under sections 17 and 19.

(2) Every employer of a mandatory group covered by a supplementary pension plan shall,

- (a) file the supplementary pension plan with the Commission for registration on or before the 1st day of January, 1965, or as soon thereafter as the Commission requires; and
- (b) on and after the 1st day of January, 1965, while the registered supplementary pension plan remains in force, maintain its qualification for registration as required by sections 18 and 19.

(3) Where an employer was not the employer of a mandatory group on or before the 1st day of January, 1965, he shall, within six months after becoming the employer of a mandatory group,

- (a) establish a standard pension plan and file the plan with the Commission for registration;
- (b) maintain the registered standard pension plan in force as a pension plan qualified under sections 17 and 19 for registration; and
- (c) file for registration any supplementary pension plan established for the mandatory group, and while such plan remains in force maintain its qualification for registration as required by sections 18 and 19.

Pension  
plans of  
trade unions

(4) Every employer of a mandatory group shall, where the registered standard pension plan is a plan organized and administered by or on behalf of a trade union or by an organization representing a trade union and an employer, cause the plan to be maintained in force as a pension plan qualified under sections 17 and 19 for registration or, where the plan is not so maintained in force, comply with subsection 1 or 3, as the case may be, as if he were the employer of a mandatory group established immediately after the plan ceased to be so maintained in force.

Filing of  
non-  
mandatory  
plan

(5) Every employer of a non-mandatory group covered by a pension plan shall,

(a) on or before the 1st day of January, 1964, file with the Commission an information return in the prescribed form in respect of every pension plan administered by or on behalf of the employer or the group at any time on or after the 1st day of January, 1961; and

(b) on and after the 1st day of January, 1965, maintain the solvency of every such pension plan as required by the regulations.

Solvency  
of non-  
mandatory  
plan

(6) Every employer of a non-mandatory group who establishes a pension plan shall,

(a) file with the Commission within sixty days after establishment of the plan an information return in the prescribed form; and

(b) on and after the 1st day of January, 1965, maintain the solvency of such plan as required by the regulations.

When group  
ceases to be  
mandatory

(7) Notwithstanding subsection 1, an employer of a mandatory group that becomes a non-mandatory group because of a reduction in the number of its members is not required, after the group has ceased to be a mandatory group for a continuous period of one year, to maintain in force a standard pension plan.

Election to  
register non-  
mandatory  
plan

(8) On or after the 1st day of January, 1965,

(a) every employer of a non-mandatory group may elect to register the pension plan maintained by him for his employees and, in the event of such election, the group shall be deemed to be a mandatory group under this Act, and the provisions of this Act applicable to a mandatory group shall apply to such group; and

(b)

- (b) an employer may revoke his election at any time more than two years after the date of making the election and, in the event of such revocation, the election ceases to be effective one year after the date of revocation.

(9) For the purpose of this section,

Combining  
plans

- (a) a standard pension plan may form part of a profit sharing plan or part of a deferred profit sharing pension plan; and
- (b) a standard pension plan and a supplementary pension plan may be combined for the purpose of registration.

(10) Every employer of a group covered by a pension plan shall file with the Commission annually, on or before the 31st day of March, an information return in the form prescribed by the regulations in respect of every pension plan administered by or on behalf of the employer or the group.

Annual  
returns

**15.** The Commission shall accept for registration and issue its certificate in respect of,

Acceptance  
of plans for  
registration

- (a) each standard pension plan filed for registration under subsection 1 or 3 of section 14 that in the opinion of the Commission is a plan organized and administered in accordance with sections 17 and 19;
- (b) each supplementary pension plan filed for registration under subsection 2 or 3 of section 14 that in the opinion of the Commission is a plan organized and administered in accordance with sections 18 and 19; and
- (c) each plan filed for registration under subsection 8 of section 14.

**16.** After a pension plan is filed with the Commission for registration, the Superintendent shall advise the Commission in writing of his opinion as to whether or not the plan is organized and administered in accordance with Part III, and no penalty shall be imposed upon an employer under this Act for failure to register a pension plan until the written opinion of the Superintendent has been received by the Commission and the Commission has advised the employer of its decision concerning registration of the plan by registered mail and thirty days have elapsed thereafter.

Procedure  
upon refusal  
to register

Minimum  
terms and  
conditions  
of standard  
pension  
plans

**17.—**(1) A standard pension plan filed for registration as required or permitted by section 14 shall, on and after the 1st day of January, 1965,

- (a) require each eligible employee to become a member of the plan;
- (b) provide, in the case of each eligible employee who has been a member of the plan for not less than twelve months, for the accrual of pension benefit credits from a time not later than the date upon which the eligible employee became a member of the plan;
- (c) provide for the payment to each eligible employee of a pension benefit, commencing not later than age seventy years, based upon contributions to or under the plan in respect of eligible employment on and after the 1st day of January, 1965, and calculated as the actuarial equivalent of a single life annuity commencing at age seventy years,

- (i) of a monthly amount of one-half of 1 per cent of the monthly remuneration for each year of eligible employment, applied to the remuneration earned up to \$400 per month,
- (ii) derived from a total contribution of, in the case of an employee who has attained the age of

30 years.....	1½%
45 years.....	2%
55 years.....	3%

of the first \$400 of remuneration per month, together with interest at an annual rate of not less than 4 per cent or not less than such other rate as is prescribed by the regulations, or

- (iii) of a monthly amount of \$2 for each year of eligible employment;
- (d) provide a death benefit, payable in the event of the death of an employee before the commencement of the payment of his pension benefits to his personal representative or to a beneficiary he has designated, of an amount equal to the employee's contributions to the pension plan together with interest at an annual rate of not less than 3 per cent or to such other benefit of at least equal value;

(e)



- (e) provide that, upon termination of his employment prior to retirement, an eligible employee is, subject to clause *f*, entitled to a deferred life annuity that is equal to those portions of the annuity prescribed by clause *c* and of the death benefit prescribed by clause *d* for which contributions were made in respect of eligible employment on and after the 1st day of January, 1965;
- (f) provide that, where an eligible employee terminates his employment, a deferred life annuity prescribed by clause *e* shall be provided for the employee by,

- (i) the purchase of such annuity upon termination of employment,
- (ii) a contractual undertaking by his employer to pay or to purchase such annuity upon attainment of retirement age by the employee, or
- (iii) the transfer of the pension benefit credit required to provide such annuity to the Central Pension Agency or to the standard pension plan of which the employee becomes a member upon entering into new employment or to a retirement savings plan approved by the Superintendent,

as determined under the terms of the plan;

- (g) provide that contributions made by each employee to the plan after the 1st day of January, 1965, and after the employee has attained the age of thirty years may not be withdrawn upon termination of employment; and
- (h) provide that both the pension benefit prescribed by clause *c* and the deferred life annuity prescribed by clause *e* are for the employee's own use and benefit and are not capable of surrender, commutation, assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefit or the deferred annuity capable of being surrendered, commuted, assigned or otherwise alienated.

(2) Subject to subsection 3, the employer may recover by deduction from remuneration payable to an eligible employee a portion of the cost of establishing and maintaining in force a standard pension plan, but such portion may not exceed,

(a)

- (a) in the case of a unit benefit plan or a flat rate plan, 50 per cent of the pro rata share attributable to the employee of the aggregate cost of the plan for the year or for such other period as the Commission approves; and
- (b) in the case of a money purchase plan,
  - (i) 50 per cent of the contributions made for an employee who is under age fifty-five years, or
  - (ii) that part of the contribution made for an employee who is age fifty-five years or older in excess of 1 per cent of the first \$400 of remuneration earned each month.

Different  
cost-sharing  
formula

(3) If an agreement made between an employer and his employees or between an employer and an authorized representative of his employees in effect on the day this Act came into force and in effect on or after the 1st day of January, 1965, provides a formula different from the formula described in subsection 2 for sharing the cost of maintaining in force a pension plan that becomes in whole or in part a standard pension plan, the terms of such agreement shall govern during its duration.

Idem

(4) If the terms of an agreement, other than an agreement to which subsection 3 applies, authorize an employer to recover from remuneration payable to an eligible employee a portion of the cost of establishing and maintaining in force a standard pension plan larger than that described in subsection 2, the employer is not entitled to recover any portion of such cost in excess of that described in subsection 2.

Payment  
to Central  
Pension  
Agency

(5) Notwithstanding clause *f* of subsection 1, the Superintendent may require payment of a pension benefit credit derived from a standard pension plan to the Central Pension Agency or to the standard pension plan of which an employee becomes a member upon entering into new employment or may require the former employer of an employee to enter into a contractual undertaking to pay or to purchase the life annuity prescribed by clause *e* of subsection 1 upon attainment of retirement age by the employee.

Exception  
regarding  
membership  
in standard  
plans

(6) Notwithstanding subsection 1, an employee who becomes a member of a mandatory group after he has attained the age of sixty-five years is not required to become a member of the standard pension plan covering the mandatory group.

Where  
more than  
one plan

(7) Notwithstanding clause *a* of subsection 1, where more than one standard pension plan is established and maintained by an employer, an eligible employee of such employer

shall

shall be required to become a member of only one of such plans.

**18.—**(1) A supplementary pension plan filed for registration as required or permitted by section 14 shall provide that, <sup>Vesting requirement for supplementary pension plan</sup>

- (a) after a member of the plan has attained the age of forty-five years and has been an employee of the employer for not less than a continuous period of ten years, he is entitled, upon termination of his employment prior to his attaining retirement age, to a deferred life annuity equal to the portion of the pension benefits provided under the terms of the plan in respect of service on or after the 1st day of January, 1965;
- (b) both the pension benefits provided under the terms of the plan and the deferred life annuity prescribed by this section are for the employee's own use and benefit and are not capable of assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefits or the deferred annuity capable of being assigned or otherwise alienated; and
- (c) the deferred life annuity prescribed by this section is not capable of surrender or commutation and does not confer upon any employee, personal representative or dependent, or any other person, any right or interest in the deferred annuity capable of being surrendered and commuted.

(2) Upon termination of the employment of an employee who has attained the age of forty-five years and has been an employee of the employer for not less than a continuous period of ten years and who is entitled to a deferred life annuity under clause *a* of subsection 1, the employee is not entitled to withdraw any part of the contributions he has been required to make to or under the plan on or after the 1st day of January, 1965, and such contributions shall be applied under the terms of the plan for the provision of a deferred life annuity as part of or as supplementary to the annuity, if any, required to be provided to the employee under clause *a* of subsection 1. <sup>Locking in of employee contributions</sup>

(3) Notwithstanding subsections 1 and 2, where a supplementary pension plan so provides, an employee may receive in partial discharge of his rights under the plan as a lump sum upon termination of employment prior to retirement an amount that in total does not exceed 25 per cent of the commuted value of the deferred life annuity prescribed by this section. <sup>Exception</sup>



Transfer of  
contributions

(4) Where an employee terminates his employment and is required by the terms of a supplementary pension plan to withdraw all or part of the contributions made by him, the employee may direct that his contributions be transferred to the Central Pension Agency or to a supplementary pension plan of which he becomes a member upon entering into new employment if that plan so permits.

Transfer of  
pension  
benefit  
credit

(5) The Superintendent may require the transfer of the pension benefit credit necessary to provide the deferred life annuity to which an employee is entitled under clause *a* of subsection 1 to the Central Pension Agency or to the pension plan of which such employee becomes a member upon entering new employment or may require the former employer of an employee to enter into a contractual undertaking to pay or to purchase the annuity prescribed by clause *a* of subsection 1 upon attainment of retirement age by the employee.

Funding and  
solvency of  
registered  
pension  
plans

19. A pension plan filed for registration as required or permitted by section 14 shall provide for,

- (a) funding, in accordance with the tests for solvency prescribed by the regulations, that is adequate to provide for payment of all pension benefits or deferred life annuities required to be paid under the terms of the plan; and
- (b) a written explanation to each eligible employee of the terms and conditions of the pension plan and amendments thereto applicable to the mandatory group of which the employee is a member, together with an explanation in prescribed form of the rights and duties of the employee with reference to the benefits available to him under the terms of the pension plan.

Regulations

20. The Lieutenant Governor in Council may make regulations,

- (a) respecting methods of computing pension benefit credits and the pension benefits arising therefrom, and the commuted value of a deferred life annuity;
- (b) respecting the integration of pension benefits with benefits payable under the *Old Age Security Act* (Canada);
- (c) determining the proportions of contributions by employers and employees to pension plans that are attributable to a standard pension plan;
- (d) prescribing tests and standards for solvency of pension plans;

R.S.C. 1952,  
c. 200

(e)



- (e) defining the conditions under which the Superintendent may require an employer to pay or credit an amount to the Central Pension Agency;
- (f) prescribing the conditions under which pension benefit credits may be retained by the administrator, insurer or trustee of a pension plan, or transferred to the administrator, insurer or trustee of another pension plan upon termination of employment of an eligible employee;
- (g) designating employees or pension plans or any class thereof that are excepted from the application of the Act and the regulations;
- (h) defining the conditions under which the Commission may participate in the organization and administration of the insurance fund described in clause f of subsection 1 of section 7, and fixing premiums which shall be payable to such fund by an employer or other person;
- (i) requiring the furnishing of information in respect of pension plans, and prescribing forms and providing for their use;
- (j) prescribing fees for registration and the annual supervision of pension plans;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**21.** The Commission is not liable for any act or omission <sup>Saving</sup> of any trustee, insurer or administrator of a pension plan, or for or in respect of any default or breach of contract on the part of an employee or of any trustee, insurer or administrator of a pension plan.

## PART IV

### ADMINISTRATION, ENFORCEMENT AND APPEAL

**22.—**(1) Every employer who contravenes section 14 is <sup>Penalties</sup> guilty of an offence and on summary conviction is liable to a fine for each day of default equal to not more than the daily amount required to be paid to maintain a registered pension plan for his employees plus not more than \$100 per day.

(2) Every person who contravenes any other provision of <sup>Idem</sup> this Act or the regulations or who obstructs an officer or agent of the Commission in the performance of his duties is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$10,000 or to

imprisonment

imprisonment for a term of not more than six months, or to both.

Disposition  
of fines

(3) The fines recovered for offences against this Act shall be paid to the Commission, and fines imposed under subsection 1 may be paid by the Commission to the Central Pension Agency for the credit of the eligible employees of the payer.

Inspection

(4) The Superintendent or his duly authorized representative may, at any reasonable time,

(a) inspect the books, files, documents and other records respecting a pension plan kept by an employer, an insurer, a trustee of the pension plan or any other person; and

(b) require any employer, insurer, trustee of a pension plan or other person to furnish, in a form acceptable to the Commission, such information as the Commission deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with.

Actions for  
deducting  
sums

(5) No action lies against any person for withholding, deducting, paying or crediting any sum of money in compliance or intended compliance with this Act.

Agreements  
void

(6) Where this Act requires an amount to be deducted, withheld, paid or credited, an agreement by the person on whom that obligation is imposed not to deduct, withhold, pay or credit such amount is void.

Evidence

**23.**—(1) No member of the Commission and no employee thereof shall be required to give testimony without the consent of the Commission in any civil action in which the Commission is not a party with regard to information obtained in the discharge of his duties.

Liability of  
members and  
employees of  
Commission

(2) No member of the Commission and no employee thereof is personally liable for anything done by it or him in good faith under the authority of this Act or the regulations.

Notice of  
objection

**24.**—(1) Where the Commission refuses to accept for registration a pension plan filed for registration under this Act, the employer may, within ninety days from the day of mailing of a notification of refusal of registration, serve on the Commission a notice of objection in duplicate in the prescribed form, setting out the reasons for the objection and all relevant facts.

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Commission at Toronto.

(3) Upon receipt of a notice of objection, the Commission shall with all due dispatch reconsider its opinion, and vary or confirm its opinion, and it shall thereupon notify the employer of its actions by registered mail. <sup>Review by Commission</sup>

**25.** Where an employer has served a notice of objection under section 24, he may appeal to the Court of Appeal for an order requiring the Commission to accept the pension plan for registration under this Act, <sup>Appeal</sup>

(a) within ninety days after the Commission has confirmed its opinion that the pension plan is not acceptable for registration; or

(b) after ninety days and before 180 days have elapsed after service of the notice of objection and the Commission has not notified the employer that it has confirmed or varied its opinion.

**26.—**(1) An appeal to the Court shall be instituted by filing with the Registrar of the Court or by sending by registered mail addressed to him at Toronto three copies of a notice of appeal in such form as is determined by the rules of the Court. <sup>Filing of notice of appeal</sup>

(2) Upon receipt of the copies of the notice of appeal, the Registrar shall transmit two copies to the Superintendent. <sup>Transmission to Superintendent</sup>

(3) Immediately after receiving a copy of the notice of appeal, the Superintendent shall forward to the Registrar copies of all documents relevant to the appeal. <sup>Transmission of material</sup>

**27.** An appeal may, in the discretion of the Court, be heard *in camera* or in public, unless the appellant requests that it be heard *in camera*, in which case it shall be so heard. <sup>Hearings in camera</sup>

**28.—**(1) The Court may dispose of an appeal by dismissing it, by referring the matters in issue back to the Commission for reconsideration, or by allowing the appeal. <sup>Disposition of appeals</sup>

(2) Where the Court allows an appeal under this section, the Commission shall accept the pension plan for registration in accordance with the direction of the Court, which may include conditions precedent to qualification for registration of the plan imposed upon the appellant. <sup>Executing decision of Court</sup>

**29.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commencement</sup>

**30.** This Act may be cited as *The Pension Benefits Act*. <sup>Short title</sup>  
1962-63.





## CHAPTER 104

## An Act to amend The Pesticides Act

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 1 of *The Pesticides Act* is amended by striking out "substance prescribed by the regulations" in the fourth and fifth lines and inserting in lieu thereof "toxic or noxious substance", so that the clause shall read as follows:

R.S.O. 1960,  
c. 293, s. 1,  
cl. *b*,  
amended

(*b*) "extermination" means the destruction or control of insects, vermin, birds, rodents or other pests, fungi or vegetation in a building or vehicle or on land by the use of any toxic or noxious substance.

**2.—(1)** Section 10 of *The Pesticides Act* is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 293, s. 10,  
amended

(*ea*) exempting any substance, machine, apparatus, equipment or class thereof from this Act and the regulations, or any provisions thereof.

(2) Clause *i* of the said section 10 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 293, s. 10,  
cl. *i*,  
re-enacted

(*i*) classifying substances used for extermination and prohibiting any class of exterminator from using one or more of the classes of substances;

(*ia*) prohibiting any class of exterminator from conducting any extermination for which the members of the class are not licensed.

**3.** This Act may be cited as *The Pesticides Amendment Act, 1962-63*.

Short title



## CHAPTER 105

## An Act to amend The Planning Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 of section 2 of *The Planning Act*, as enacted by section 1 of *The Planning Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 296, s. 2,  
subs. 9  
(1961-62,  
c. 104, s. 1),  
repealed

2.—(1) Subsection 1 of section 13 of *The Planning Act* is amended by striking out “planning board” in the third line and inserting in lieu thereof “clerk of the designated municipality”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 296, s. 13,  
subs. 1,  
amended

(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the clerk of the designated municipality in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister within the planning area, and the copies shall be available at such places for public inspection during office hours.

Lodging of  
official plan

(2) Subsection 2 of the said section 13 is amended by striking out “planning board” in the second line and inserting in lieu thereof “clerk of the designated municipality”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 296, s. 13,  
subs. 2,  
amended

(2) A duplicate original of the official plan shall be lodged by the clerk of the designated municipality in every registry office of lands within the planning area, where it shall be made available to the public as a production.

Idem

3. Subsection 3 of section 19 of *The Planning Act* is repealed.

R.S.O. 1960,  
c. 296, s. 19,  
subs. 3,  
repealed

4. Subsection 2 of section 20 of *The Planning Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 296, s. 20,  
subs. 2,  
re-enacted

Designation  
of re-  
development  
area

- (2) The council of a municipality that has an official plan in respect of land use may, with the approval of the Minister, by by-law designate the whole or any part of an area covered by such an official plan as a redevelopment area, and the redevelopment area shall not be altered or dissolved without the approval of the Minister.

R.S.O. 1960,  
c. 296,  
Part I,  
amended

5. Part I of *The Planning Act* is amended by adding thereto the following section:

Interpre-  
tation

- 25a. For the purposes of this Part, "municipality" includes a county.

R.S.O. 1960,  
c. 296, s. 26  
(1960-61,  
c. 76, s. 1,  
subs. 1),  
amended

6. Section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Consent to  
lapse after  
six months

- (3a) Any consent hereafter granted under subsection 1 or 3 shall lapse at the expiration of six months after the date upon which the consent was granted unless within such period the land in respect of which the consent was granted was sold, mortgaged or charged or an agreement was entered into for the sale or purchase of such land or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more.

R.S.O. 1960,  
c. 296, s. 27,  
subs. 3,  
amended

7. Subsection 3 of section 27 of *The Planning Act* is amended by adding at the end thereof "and the provisions of subsections 7, 8 and 9 of section 26 apply *mutatis mutandis* to an order made under clause *b* of subsection 1, and the Minister shall cause certified copies of the order to be registered or deposited in accordance with such provisions", so that the subsection shall read as follows:

Notice and  
registration  
of order

- (3) The Minister may give notice of any such order in such manner as he deems expedient, and the provisions of subsections 7, 8 and 9 of section 26 apply *mutatis mutandis* to an order made under clause *b* of subsection 1, and the Minister shall cause certified copies of the order to be registered or deposited in accordance with such provisions.

R.S.O. 1960,  
c. 296, s. 28,  
subss. 7, 8,  
re-enacted

- 8.—(1) Subsections 7 and 8 of section 28 of *The Planning Act* are repealed and the following substituted therefor:

Reference of  
conditions

- (7) Where the owner of the land or the municipality in which the land is situate is not satisfied as to the conditions imposed or to be imposed by the Minister,



or any of them, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it, and the decision of the Board in respect of such condition or conditions has the same force and effect as if it were the decision of the Minister.

- (8) The Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the payment to the municipality of a sum of money not exceeding the value of 5 per cent of the land included in the subdivision. Cash payment in lieu of conveyance

(2) Subsection 10 of the said section 28, as amended by subsection 2 of section 5 of *The Planning Amendment Act, 1961-62*, is further amended by inserting after "9" in the third line "less any amount expended by the municipality out of its general funds in respect of such land", so that the subsection shall read as follows: R.S.O. 1960, c. 296, s. 28, subs. 10, amended

- (10) All moneys received by the municipality under subsections 8 and 9a, and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition, with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account. Special account

9. Paragraph 3 of subsection 1 of section 30 of *The Planning Act* is amended by striking out "a building or structure for residential or commercial purposes" in the first and second lines and inserting in lieu thereof "any class or classes of buildings or structures", so that the paragraph shall read as follows: R.S.O. 1960, c. 296, s. 30, subs. 1, par. 3, amended

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land where, by reason of its rocky, Marshy lands

low-lying,

low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

R.S.O. 1960,  
c. 296, s. 31,  
subs. 1,  
par. 1,  
amended

**10.**—(1) Paragraph 1 of subsection 1 of section 31 of *The Planning Act*, as amended by subsection 1 of section 7 of *The Planning Amendment Act, 1961-62*, is further amended by inserting after “municipality” where it occurs the first time in the amendment of 1961-62 “including a county and a metropolitan municipality”, so that the paragraph shall read as follows:

Size and  
strength of  
walls, etc.,  
and pro-  
duction of  
plans

1. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality, including a county and a metropolitan municipality, or the laws of Ontario or Canada in force in the municipality.

R.S.O. 1960,  
c. 296, s. 31,  
subs. 1,  
amended

(2) Subsection 1 of the said section 31 is amended by adding thereto the following paragraphs:

Control of  
termites

21a. For requiring,

- (a) any building or structure or any class or classes thereof heretofore or hereafter erected or any additions thereto to be rendered resistant to infestation by termites and other wood-destroying insects;
- (b) the repair of any part of any building or structure or any class or classes thereof that has been damaged by termites or other wood-destroying insects;
- (c) the removal and destruction of all wooden poles, trees, stumps or other wooden or cellulose material that is not part of a building if

they

they are certified by the building inspector or commissioner to be infested by termites or other wood-destroying insects.

- 21b. For providing for the payment by the municipality, <sup>Cost of control of termites and repairs</sup> not to exceed in any case \$250, of not more than one-half of the cost,

1. of repairing any damage done to any building or structure or any class or classes thereof by termites or other wood-destroying insects; and
2. of rendering resistant to infestation by termites or other wood-destroying insects any building or structure or any class or classes thereof that were erected before a by-law is passed under this paragraph,

and for providing for the making of loans to the owners of such buildings or structures to pay for the whole or any part of the cost of such repairs or of the rendering resistant to such infestation, less any amount paid by the municipality, on such terms and conditions as the council may prescribe.

- (a) The amount of any loan made under a by-law passed under this paragraph, together with interest at a rate not exceeding 5 per cent per annum, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.
- (b) A certificate of the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this paragraph, including the rate of interest thereon, together with a description sufficient to identify the land in respect of which the loan has been made, shall be registered in the proper registry or land titles office against the land upon proof by affidavit of the signature of the clerk, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate of the clerk showing such repayment shall be similarly registered, and

thereupon

thereupon the lands are freed from all liability with reference thereto.

R.S.O. 1960,  
c. 296, s. 32<sup>a</sup>  
(1961-62,  
c. 104, s. 8),  
subs. 3,  
re-enacted

**11.**—(1) Subsection 3 of section 32<sup>a</sup> of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Qualification  
of member

(3) A member of a committee of adjustment shall be a resident or ratepayer of the municipality, but in no event is a member of the council of the municipality or an employee of the municipality or of a local board thereof eligible for appointment.

R.S.O. 1960,  
c. 296, s. 32<sup>a</sup>  
(1961-62,  
c. 104, s. 8),  
subs. 5,  
amended

(2) Subsection 5 of the said section 32<sup>a</sup> is amended by striking out “and approved” in the second line and by striking out “with the approval of the Minister” in the fourth and fifth lines, so that the subsection shall read as follows:

Idem

(5) Members of the committee shall hold office until their successors are appointed, and are eligible for re-appointment, and, where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Present  
members of  
committee  
of  
adjustment

(3) Subsection 3 of section 32<sup>a</sup> of *The Planning Act*, as re-enacted by subsection 1, does not disqualify a person who was appointed to a committee of adjustment before this section came into force so as to prevent him from completing the term of office for which he was appointed.

R.S.O. 1960,  
c. 296, s. 32<sup>b</sup>  
(1961-62,  
c. 104, s. 8),  
subs. 5,  
re-enacted

**12.**—(1) Subsection 5 of section 32<sup>b</sup> of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Tariff  
of fees

(5) The committee may prescribe a tariff of fees payable in respect of applications made to it, which may vary according to the type of the application, but in no case shall the fee payable on any application be more than \$25.

R.S.O. 1960,  
c. 296, s. 32<sup>b</sup>  
(1961-62,  
c. 104, s. 8),  
subs. 10,  
re-enacted

(2) Subsection 10 of the said section 32<sup>b</sup> is repealed and the following substituted therefor:

Notice of  
decision

(10) The secretary-treasurer shall send by registered mail one copy of the decision, certified by him, to the Minister, to the applicant and to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision, together with a notice of the last day for appealing to the Municipal Board.



(3) Subsection 11 of the said section 32*b* is amended by <sup>R.S.O. 1960,</sup> striking out "two copies" in the second line and inserting in <sup>c. 296, s. 32*b*</sup> (1961-62, <sup>c. 104, s. 8),</sup> lieu thereof "one copy", so that the subsection, exclusive of <sup>subs. 11,</sup> the paragraphs, shall read as follows: <sup>amended</sup>

- (11) The secretary-treasurer shall also send to the <sup>Additional</sup> Minister, when he sends the notice under subsec- <sup>material</sup> tion 10, one copy of the following documents:

. . . . .

**13.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**14.** This Act may be cited as *The Planning Amendment* <sup>Short title</sup> *Act, 1962-63.*



## CHAPTER 106

## An Act to amend The Police Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Police Act* is amended by striking out "other than cities and counties" in the second line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 298, s. 8,  
subs. 1,  
amended

(1) Notwithstanding any special Act, any two or more municipalities having a combined population of more than 5,000 according to their last revised assessment rolls may, if authorized so to do by by-law of their respective councils, by agreement constitute a board. Joint  
boards,  
establish-  
ment

2. Section 35 of *The Police Act* is amended by striking out "adequate provision for the payment of such expenditures as are involved in the request" in the seventh and eighth lines and inserting in lieu thereof "such provision as in its opinion is adequate for the payment of any expenditure resulting from such agreement, decision or award", so that the section shall read as follows: R.S.O. 1960,  
c. 298, s. 35,  
amended

35. Where a request in writing is made under subsection 1 of section 27 after the 30th day of November in any year and before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make such provision as in its opinion is adequate for the payment of any expenditure resulting from such agreement, decision or award. Provision  
for  
expenditure

3. Subsection 6 of section 39a of *The Police Act*, as enacted by section 6 of *The Police Amendment Act, 1961-62*, is repealed. R.S.O. 1960,  
c. 298, s. 39a  
(1961-62,  
c. 105, s. 6),  
subs. 6,  
repealed

4. *The Police Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 298,  
amended

Functions  
of  
Commission

39b. It is the function of the Commission,

- (a) to maintain a system of statistical records and research studies of criminal occurrences and matters related thereto for the purpose of aiding the police forces in Ontario;
- (b) to consult with and advise boards of commissioners of police, police committees of municipal councils and other police authorities and chief constables on all matters relating to police and policing;
- (c) to provide to boards of commissioners of police, police committees of municipal councils and other police authorities and chief constables information and advice respecting the management and operation of police forces, techniques in handling special problems and other information calculated to assist;
- (d) through its members and advisers, to conduct a system of regular visits to the municipal police forces throughout Ontario;
- (e) to assist in co-ordinating the work and efforts of the police forces in Ontario;
- (f) to operate the Ontario Police College;
- (g) to conduct investigations in accordance with the provisions of this Act;
- (h) to hear and dispose of appeals from members of police forces in accordance with this Act and the regulations; and
- (i) to exercise the powers and perform the duties conferred and imposed upon it by this Act.

R.S.O. 1960,  
c. 298, s. 40  
(1961-62,  
c. 105, s. 7),  
subs. 2,  
amended

5. Subsection 2 of section 40 of *The Police Act*, as re-enacted by section 7 of *The Police Amendment Act, 1961-62*, is amended by inserting after "Commission" in the first and second lines "as approved by the Attorney General", so that the subsection shall read as follows:

Powers  
and  
duties

- (2) Subject to the direction of the Ontario Police Commission as approved by the Attorney General, the Commissioner has the general control and administration of the Ontario Provincial Police Force and the employees connected therewith.



6. *The Police Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 298,  
amended

41a. The Commissioner shall, after the close of each <sup>Annual</sup>calendar year, file with the Attorney General an <sup>report</sup>annual report upon the affairs of the Ontario Provincial Police Force, and the Attorney General shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

7. This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent. <sup>ment</sup>

8. This Act may be cited as *The Police Amendment Act*, <sup>Short title</sup>1962-63.



## CHAPTER 107

## An Act to amend The Private Hospitals Act

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Private Hospitals Act* is amended by R.S.O. 1960, c. 305, s. 1, relettering clause *a* as clause *aa* and by adding thereto the amended following clause:

(a) "applicant" means applicant or applicants, as the case may be.

2. Section 5 of *The Private Hospitals Act* is amended by R.S.O. 1960, c. 305, s. 5, adding thereto the following subsection: amended

(4) When a licence is granted, the Commission shall determine the class of hospital that may be operated and shall show such class on the face of the licence. Class of hospital to be shown on licence

3. Subsection 1 of section 6 of *The Private Hospitals Act* is R.S.O. 1960, amended by striking out "keep" in the first line and inserting subs. 1, in lieu thereof "operate", so that the subsection, exclusive of the items, shall read as follows: amended

(1) Every application for a licence to operate a private hospital shall be made in writing to the Commission and shall contain the following particulars: Application for licence

. . . . .

4. Section 7 of *The Private Hospitals Act* is amended by R.S.O. 1960, c. 305, s. 7, adding thereto the following subsection: amended

(4a) When a licence is renewed, the Commission shall determine the class of hospital that may be operated and may change the class from that for which the hospital was licensed in the preceding year. Change of class of hospital on renewal of licence

5. Sections 9 and 10 of *The Private Hospitals Act* are R.S.O. 1960, c. 305, ss. 9, 10, repealed and the following substituted therefor: re-enacted

Transfer  
of licence

9. A licence under this Act is transferable only where the proposed transferee complies with sections 5 and 6.

Transfer of  
corporation  
shares

- 9a.—(1) Where the licensee of a private hospital is a corporation with share capital, no share thereof shall be transferred without the prior approval of the Commission.

## Appeal

- (2) Where an application for the approval of the Commission to the transfer of shares under subsection 1 is refused, the applicant may appeal from the decision to a judge of the Supreme Court at any time within thirty days from his receipt of notice of the refusal, and the judge may, upon the hearing of the appeal, make such order as to the transfer of the shares or confirming the Commission's decision and as to costs as he deems just.

## Procedure

- (3) The appeal may be by motion, notice of which shall be served upon the Commission, and shall be founded upon a copy of the application, a copy of any proceedings before the Commission, a copy of the decision of the Commission and upon any other material the judge deems relevant.

Death of  
licensee

- 10.—(1) When a licensee or the sole surviving licensee dies,
- (a) the person to whom the private hospital passes may apply to have the licence transferred to him by complying with sections 5 and 6; or
  - (b) the personal representative of the deceased licensee may apply to the Commission for a temporary licence to permit the private hospital to continue in operation under the management of the personal representative for such period of time as in the opinion of the Commission is sufficient to allow the personal representative to dispose of the private hospital and to allow other accommodation to be provided for the patients in the hospital.

## Time limit

- (2) Unless an application is made under subsection 1 within three months after the death of the licensee or of the sole surviving licensee, the licence is revoked.



6. Clause *c* of subsection 1 of section 11 of *The Private Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 305, s. 11,  
subs. 1, cl. *c*,  
re-enacted

(*c*) if, in the opinion of the Commission,

- (i) the premises of the private hospital are unclean, unsanitary or without proper fire protection,
- (ii) the standard of patient care provided in the private hospital is inadequate,
- (iii) the private hospital is managed or conducted in a manner contrary to this Act or the regulations, or
- (iv) the private hospital is managed or conducted in such a manner that the revocation of the licence is required in the public interest.

7. *The Private Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 305,  
amended

22a.—(1) Where a patient in a private hospital is an indigent person or a dependant of an indigent person and has resided in territory without municipal organization for a period of three months within the period of six months next prior to his admission to the private hospital, the Department, on certification by the regional welfare administrator, shall pay the private hospital at the rate of \$6.50 for each day the patient receives treatment in the hospital. Indigents  
from  
unorganized  
territory

- (2) Where a private hospital receives payment under subsection 1 for an indigent person, the Commission shall pay to the private hospital an amount in respect of insured services received by the indigent person equal to the difference between the amount paid by the Department and the *per diem* rate established for the hospital by the Commission. Idem

8. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

9. This Act may be cited as *The Private Hospitals Amendment Act, 1962-63*. Short title



## CHAPTER 108

## An Act to amend The Private Sanitaria Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Private Sanitaria Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 307, s. 20, amended

(1a) Subsection 1 shall be deemed to have been complied with if the certificate mentioned therein is completed within twelve hours after the admission of the patient to the sanitarium. Idem

2. Subsection 2 of section 42 of *The Private Sanitaria Act* is amended by striking out "or mentally defective" in the second line and inserting in lieu thereof "mentally defective or a habitue", so that the subsection shall read as follows: R.S.O. 1960, c. 307, s. 42, subs. 2, amended

(2) If within six months thereafter the patient again becomes mentally ill, mentally defective or a habitue to such a degree that his confinement in a sanitarium is necessary, the medical superintendent, with the consent of the inspector or one of the visitors, to be endorsed on the warrant, may, by his warrant directed to any person or to any constable or peace officer or to all constables or peace officers, authorize and direct that the patient be apprehended and brought back to the sanitarium, and the warrant so endorsed is authority to anyone acting under it to apprehend the person named in it and to bring him back to the sanitarium. Recommittal to sanitarium

3. Section 43 of *The Private Sanitaria Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 307, s. 43, amended

(2) The superintendent of a sanitarium may permit any patient to leave the sanitarium for a specified period of not more than five days for the purpose of visiting his relatives or friends. Leave of absence

Recommittal

- (3) Any patient who leaves the sanitarium under subsection 1 or 2 and who does not return within the specified time may be apprehended and brought back to the sanitarium in the manner provided in subsection 2 of section 42.

R.S.O. 1960,  
c. 307, s. 52,  
amended

4. Section 52 of *The Private Sanitaria Act* is amended by adding thereto the following subsection:

Idem

- (3) Subsection 1 shall be deemed to have been complied with if the certificate mentioned therein is completed within twelve hours after the admission of the patient to the sanitarium.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Private Sanitaria Amendment Act, 1962-63*.



## CHAPTER 109

**The Proceedings Against the Crown Act, 1962-63**

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) "agent", when used in relation to the Crown, includes an independent contractor employed by the Crown;
- (b) "Crown" means Her Majesty the Queen in right of Ontario;
- (c) "order" includes a judgment, decree, rule, award and declaration;
- (d) "proceedings against the Crown" includes a claim by way of set-off or counterclaim raised in proceedings by the Crown and includes interpleader proceedings to which the Crown is a party;
- (e) "servant", when used in relation to the Crown, includes a minister of the Crown. 1952, c. 78, s. 1.

**2.**—(1) This Act does not affect and is subject to *The Acts not affected*  
*Certification of Titles Act* as to claims against The Certification of Titles Assurance Fund, *The Corporations Tax Act*, *The Expropriation Procedures Act*, 1962-63, *The Highway Improvement Act*, *The Income Tax Act*, 1961-62, *The Land Titles Act* as to claims against The Land Titles Assurance Fund, *The Logging Tax Act*, *The Mining Tax Act*, *The Motor Vehicle Accident Claims Act*, 1961-62, *The Retail Sales Tax Act*, 1960-61, *The Succession Duty Act* and *The Workmen's Compensation Act*. 1952, c. 78, s. 2 (1), amended.

Limits of  
scope of  
Act**(2)** Nothing in this Act,

- (a) subjects the Crown to greater liability in respect of the acts or omissions of a servant or agent of the Crown than that to which the Crown would be

subject

subject in respect of such acts or omissions if it were a person of full age and capacity; or

(b) subjects the Crown to proceedings under this Act in respect of a cause of action that is enforceable against a corporation or other agency of the Crown; or

(c) subjects the Crown to proceedings under this Act in respect of any act or omission of a servant of the Crown unless that servant has been appointed by or is employed by the Crown; or

(d) subjects the Crown to proceedings under this Act in respect of anything done in the due enforcement of the criminal law or of the penal provisions of any Act of the Legislature; or

R.S.O. 1960,  
cc. 110, 230

(e) authorizes proceedings against the Crown under *The Division Courts Act* or *The Master and Servant Act*, 1952, c. 78, s. 2 (2).

Right to  
sue Crown  
without  
fiat

3. Except as provided in section 28, a claim against the Crown that, if this Act had not been passed, might be enforced by petition of right, subject to the grant of a fiat by the Lieutenant Governor, may be enforced as of right by proceedings against the Crown in accordance with this Act without the grant of a fiat by the Lieutenant Governor. 1952, c. 78, s. 3.

Right to  
sue Crown  
corporation  
without  
consent

4. A claim against a corporation of the Crown that, if this Act had not been passed, might be enforced, subject to the consent of a servant of the Crown, may be enforced as of right without such consent. 1952, c. 78, s. 4.

Liability  
in tort

R.S.O. 1960,  
c. 191

5.—(1) Except as otherwise provided in this Act and notwithstanding section 11 of *The Interpretation Act*, the Crown is subject to all liabilities in tort to which, if it were a person of full age and capacity, it would be subject,

(a) in respect of a tort committed by any of its servants or agents;

(b) in respect of a breach of the duties that a person owes to his servants or agents by reason of being their employer;

(c) in respect of any breach of the duties attaching to the ownership, occupation, possession or control of property; and

(d)

- (d) under any statute, or under any regulation or by-law made or passed under the authority of any statute.

(2) No proceedings shall be brought against the Crown under clause *a* of subsection 1 in respect of an act or omission of a servant or agent of the Crown unless proceedings in tort in respect of such act or omission may be brought against that servant or agent or his personal representative. Where proceedings in tort lie

(3) Where a function is conferred or imposed upon a servant of the Crown as such, either by a rule of the common law or by or under a statute, and that servant commits a tort in the course of performing or purporting to perform that function, the liability of the Crown in respect of the tort shall be such as it would have been if that function had been conferred or imposed by instructions lawfully given by the Crown. Liability for acts of servants performing duties legally required

(4) In proceedings against the Crown under this section, an enactment that negatives or limits the liability of a servant of the Crown in respect of a tort committed by that servant applies in relation to the Crown as it would have applied in relation to that servant if the proceedings against the Crown had been proceedings against that servant. Application of enactments limiting liability of servants of the Crown

(5) Where property vests in the Crown independent of the acts or the intentions of the Crown, the Crown is not, by virtue of this Act, subject to liability in tort by reason only of the property being so vested; but this subsection does not affect the liability of the Crown under this Act in respect of any period after the Crown, or any servant of the Crown, has in fact taken possession or control of the property. Property vesting in the Crown

(6) No proceedings lie against the Crown under this section in respect of anything done or omitted to be done by a person while discharging or purporting to discharge responsibilities of a judicial nature vested in him or responsibilities that he has in connection with the execution of judicial process. 1952, c. 78, s. 5. Limitation of liability in respect of judicial acts

6. The law relating to indemnity and contribution is enforceable by and against the Crown in respect of any liability to which it is subject, as if the Crown were a person of full age and capacity. 1952, c. 78, s. 6. Application of law as to indemnity and contribution

7. Except as otherwise provided in this Act, proceedings against the Crown in the Supreme Court shall be instituted and proceeded with in accordance with *The Judicature Act* and the rules of court. 1952, c. 78, s. 7. Proceedings in Supreme Court  
R.S.O. 1960, c. 197



Proceedings  
in county  
and district  
courts

R.S.O. 1960,  
c. 76

**8.** Except as otherwise provided in this Act and to any enactment limiting the jurisdiction of county and district courts, proceedings against the Crown may be instituted in a county or district court and proceeded with in accordance with *The County Courts Act* and the rules of court. 1952, c. 78, s. 8.

Appeals,  
stay of  
execution,  
etc.

**9.** Except as otherwise provided in this Act, all enactments and rules of court relating to appeals and stay of execution or proceedings, with necessary modifications, apply to proceedings against the Crown. 1952, c. 78, s. 9.

Discovery

**10.** In proceedings against the Crown, the rules of the court in which the proceedings are pending as to discovery and inspection of documents and examination for discovery apply in the same manner as if the Crown were a corporation, except that the Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest. 1952, c. 78, s. 10.

Designation  
of Crown in  
proceedings

**11.** In proceedings under this Act, the Crown shall be designated "Her Majesty the Queen in right of Ontario". 1952, c. 78, s. 11.

Service on  
the Crown

**12.** In proceedings under this Act, a document to be served on the Crown shall be served by leaving a copy with the Attorney General or the Deputy Attorney General or any barrister or solicitor in the office of the Attorney General. 1952, c. 78, s. 12.

Trial with-  
out jury

**13.** In proceedings against the Crown, trial shall be without a jury. 1952, c. 78, s. 13.

Interpleader

**14.** The Crown may obtain relief by way of interpleader proceedings and may be made a party to such proceedings in the same manner as a person may obtain relief by way of such proceedings, or be made a party thereto, notwithstanding that the application for relief is made by a sheriff or bailiff or other like officer, and the provisions relating to interpleader proceedings in the rules of court, subject to this Act, shall have effect accordingly. 1952, c. 78, s. 14.

Rights of  
parties and  
authority  
of court

**15.** Except as otherwise provided in this Act, in proceedings against the Crown, the rights of the parties are as nearly as possible the same as in a suit between persons, and the court may make any order that it may make in proceedings between persons, and may otherwise give such appropriate relief as the case may require. 1952, c. 78, s. 15.



**16.**—(1) Where in proceedings against the Crown any relief is sought that might, in proceedings between persons, be granted by way of injunction or specific performance, the court shall not, as against the Crown, grant an injunction or make an order for specific performance, but in lieu thereof may make an order declaratory of the rights of the parties.

No injunction or specific performance against Crown

(2) The court shall not in any proceedings grant an injunction or make an order against a servant of the Crown if the effect of granting the injunction or making the order would be to give any relief against the Crown that could not have been obtained in proceedings against the Crown, but in lieu thereof may make an order declaratory of the rights of the parties. 1952, c. 78, s. 16.

Limitation on injunctions and orders against Crown servants

**17.** In proceedings against the Crown in which the recovery of real or personal property is claimed, the court shall not make an order for its recovery or delivery, but in lieu thereof may make an order declaring that the claimant is entitled, as against the Crown, to the property claimed or to the possession thereof. 1952, c. 78, s. 17.

Order for recovery of property not to be made against Crown

**18.**—(1) No person may avail himself of any set-off or counterclaim in proceedings by the Crown for the recovery of taxes, duties, or penalties, or avail himself, in proceedings of any other nature by the Crown, of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties or penalties.

Restriction on set-off and counterclaim

(2) Subject to subsection 1, a person may avail himself of any set-off or counterclaim in proceedings by the Crown if the subject-matter of the set-off or the counterclaim relates to a matter under the administration of the particular government department with respect to which the proceedings are brought by the Crown. 1952, c. 78, s. 18.

Idem

**19.** Before taking any step in proceedings against the Crown, the Crown may require the claimant to provide the Crown with such information as the Crown may reasonably require as to the circumstances in which it is alleged that the liability of the Crown has arisen and as to the departments and servants of the Crown concerned. 1952, c. 78, s. 19.

Crown may require information

**20.** In proceedings against the Crown, any defence that, if the proceedings were between persons, could be relied upon by the defendant as a defence to the proceedings or otherwise may be relied upon by the Crown. 1952, c. 78, s. 20.

Crown defences

No judgment by default against Crown without leave

**21.** In proceedings against the Crown, judgment shall not be entered against the Crown in default of appearance or pleading without the leave of the court to be obtained on an application of which notice has been given to the Crown. 1952, c. 78, s. 21.

Proceedings *in rem*

**22.** Nothing in this Act authorizes proceedings *in rem* in respect of any claim against the Crown, or the seizure, attachment, arrest, detention or sale of any property of the Crown. 1952, c. 78, s. 22.

Interest on judgment debt

**23.** A judgment debt due to or from the Crown bears interest in the same way as a judgment debt due from one person to another. 1952, c. 78, s. 23.

Prohibition of execution, etc., against Crown

**24.** No execution or attachment or process in the nature thereof shall be issued out of any court against the Crown. 1952, c. 78, s. 24.

Payment by Crown

**25.** Where an order of a court provides for the payment of money by the Crown by way of damages or costs or otherwise and such order is final and not subject to appeal, the Treasurer of Ontario shall pay out of the Consolidated Revenue Fund to the person entitled, or to his order, the amount due, together with the interest, if any, lawfully due thereon. 1952, c. 78, s. 25.

Conflict

**26.** Where this Act conflicts with any other Act, this Act governs. 1952, c. 78, s. 27.

No retro-active effect

**27.** No proceedings shall be brought against the Crown under this Act in respect of any act or omission, transaction, matter or thing occurring or existing before the day on which this Act comes into force. 1952, c. 78, s. 28, *amended*.

Pending claims

**28.—(1)** A claim against the Crown existing when this Act comes into force that, if this Act had not been passed, might have been enforced by petition of right may be proceeded with by petition of right, subject to the grant of a fiat by the Lieutenant Governor as if this Act had not been passed.

Existing contracts

**(2)** A claim arising under a contract with the Crown that was entered into before this Act comes into force may be proceeded with under subsection 1, but not otherwise. *New*.

Pending proceedings

**(3)** This Act does not affect proceedings against the Crown by petition of right that have been instituted before this Act comes into force, and, for the purposes of this section, proceedings against the Crown by petition of right shall be

deemed

deemed to have been instituted if a petition of right with respect to the matter in question has been left with the Provincial Secretary before this Act comes into force. 1952, c. 78, s. 26 (1).

(4) Subject to subsections 1, 2 and 3, proceedings against the Crown by petition of right are abolished, and, except for <sup>Petitions of right</sup>abolished the purposes of subsections 1, 2 and 3, the rules of court respecting petitions of right are revoked. 1952, c. 78, s. 26 (2), *amended*.

**29.** *The Proceedings Against the Crown Act, 1952* is repealed. <sup>1952, c. 78,</sup>repealed

**30.** This Act comes into force on the 1st day of September, <sup>Commence-</sup>ment  
1963.

**31.** This Act may be cited as *The Proceedings Against the* <sup>Short title</sup>  
*Crown Act, 1962-63.*





## CHAPTER 110

## An Act to amend The Provincial Parks Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Provincial Parks Act* <sup>R.S.O. 1960, c. 314, s. 11, subs. 1, amended</sup> is amended by adding at the end thereof "or any portage in the provincial park", so that the subsection shall read as follows:

- (1) The district forester or superintendent in charge of a provincial park may open or close to travel any <sup>Roads, trails and portages</sup> road or trail in the provincial park that is not under the control of the Department of Highways, or any portage in the provincial park.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The Provincial Parks Amend-* <sup>Short title</sup> *ment Act, 1962-63.*



## CHAPTER 111

**An Act to amend  
The Psychiatric Hospitals Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Psychiatric Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 315,  
amended

- 16a.—(1) This section does not apply to a patient admitted to a psychiatric hospital upon the warrant of the Lieutenant Governor under clause *b* of subsection 1 of section 9 or on remand by an order of a judge or magistrate under clause *e* of subsection 1 of section 9. Where  
section  
does not  
apply
- (2) The Minister may approve any premises as an approved home for the reception of patients who are released from a psychiatric hospital into the care of the proprietor of such approved home. Approval  
of premises
- (3) If the superintendent of a psychiatric hospital considers it conducive to the recovery of a patient, or otherwise for his benefit, he may place the patient in an approved home. Placing of  
patients in  
approved  
homes  
authorized
- (4) A patient who is placed in an approved home shall be deemed to continue as a patient in the hospital in the same manner and to the same extent as if he had not been so placed but had remained in the hospital. Patient  
status  
continues
- (5) The superintendent may pay to the proprietor of an approved home an amount not exceeding the amount prescribed by the regulations for the care and maintenance of patients therein. Payment  
authorized

2. Section 21 of *The Psychiatric Hospitals Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 315, s. 21,  
amended

- (ca) prescribing the maximum amount that may be paid by superintendents of psychiatric hospitals for the care and treatment of patients in approved homes.

R.S.O. 1960,  
c. 315,  
amended

**3.** *The Psychiatric Hospitals Act* is amended by adding thereto the following section:

Forensic  
Clinic

23.—(1) There shall be a division of the Toronto Psychiatric Hospital to be known as The Forensic Clinic of the Toronto Psychiatric Hospital.

Director

(2) There shall be a director of the Clinic.

Orders to  
attend

(3) A judge or magistrate may order any person who is before him charged with or convicted of any offence to attend the Clinic for physical or mental examination, diagnosis or treatment.

Prerequisite  
of order

(4) An order under subsection 3 shall not be made until the judge or magistrate has ascertained from the director of the Clinic that the services of the Clinic are available to the person named in the order.

Director's  
report

(5) The director of the Clinic may in his discretion report all or any part of the information compiled by the Clinic to,

(a) the judge or magistrate who made the order;

(b) an inspector;

(c) the person examined; or

(d) any person who, in the opinion of the director, has a *bona fide* interest in the person examined.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Psychiatric Hospitals Amendment Act, 1962-63*.



## CHAPTER 112

**An Act to amend  
The Psychologists Registration Act**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 7 of *The Psychologists Registration Act* is amended by inserting after "Board" in the fourth line "or who has established, to the satisfaction of the Board, that he has equivalent academic qualifications", so that the clause shall read as follows:

R.S.O. 1960,  
c. 316, s. 7,  
subs. 1, cl. b,  
amended

- (b) who has received a master's degree based upon a programme of studies whose content was primarily psychological from an educational institution approved by the Board or who has established, to the satisfaction of the Board, that he has equivalent academic qualifications and who has had at least four years of experience acceptable to the Board.

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Psychologists Registration Amendment Act, 1962-63*.

Short title



## CHAPTER 113

## An Act to amend The Public Health Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 6 of *The Public Health Act* R.S.O. 1960, c. 321, s. 6, amended is amended by inserting after “insulin” in the second line “or any substance for the control or treatment of diabetes designated by the regulations” and by adding at the end thereof “and designating such substances”, so that the paragraph shall read as follows:

8. prescribing the terms and conditions upon which insulin, etc. insulin or any substance for the control or treatment of diabetes designated by the regulations may be supplied free of charge to indigent persons under section 56 and the forms to be used in connection therewith, and requiring and providing for the payment by the municipality in which the indigent person resides of a contribution towards the cost thereof in an amount not to exceed 25 per cent of such cost, and designating such substances.

(2) The said section 6 is amended by adding thereto the following paragraph: R.S.O. 1960, c. 321, s. 6, amended

- 28a. defining industrial wiping rags and prescribing industrial wiping rags methods of processing or preparing such rags for use in industry, and regulating the sale or the offering for sale of such rags, and prohibiting the sale or the offering for sale of such rags that have not been processed or prepared as prescribed by the regulations.

(3) Paragraph 35 of the said section 6 is amended by adding at the end thereof “and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers”, so that the paragraph shall read as follows: R.S.O. 1960, c. 321, s. 6, par. 35, amended

swimming  
pools

35. prescribing standards for the location, construction, alteration, repair, operation and maintenance of swimming pools, and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers.

R.S.O. 1960,  
c. 321, s. 35,  
subs. 6,  
amended

- 2.—(1) Subsection 6 of section 35 of *The Public Health Act* is amended by adding thereto the following clause:

- (f) prescribing the amounts, manner, method, times and conditions of payment of the grants to health units mentioned in subsection 9.

R.S.O. 1960,  
c. 321, s. 35,  
subs. 7,  
re-enacted

- (2) Subsection 7 of the said section 35 is repealed and the following substituted therefor:

Expenses

- (7) The expenses incurred by a health unit in establishing and maintaining the health unit and in performing its functions under this or any other Act shall be borne and paid in such proportion as is agreed upon or, in default of agreement, in such proportion as is fixed by the regulations.

R.S.O. 1960,  
c. 321,  
amended

3. *The Public Health Act* is amended by adding thereto the following section:

Interpre-  
tation

- 35a.—(1) In this section, "separated local board" means the local board of health of a health unit that has been formed under subsection 2 of section 35, and "separated health unit" has a corresponding meaning.

Corporate  
status

- (2) A separated local board is a corporation to be known by such name as it may by by-law adopt with the approval of the Minister.

Property

- (3) All property, real and personal, heretofore vested in a board of health of a health unit that has been formed under subsection 2 of section 35 is vested in the separated local board.

Idem

- (4) With the consent of the municipalities forming a separated health unit, the separated local board may acquire and hold real and personal property for its purposes, and may sell, exchange, lease, mortgage or otherwise charge or dispose of any such property.



(5) A separated local board may pass by-laws respecting, <sup>By-laws</sup>

- (a) the management of its property;
- (b) banking and finance;
- (c) the holding or conducting of meetings;
- (d) the appointment, duties and removal of officers and employees, and their remuneration, pensions and other benefits; and
- (e) any matter necessary or advisable for the management of the affairs of the board.

(6) A copy of each by-law shall be delivered or sent by <sup>Idem</sup> mail by the secretary of the separated local board to the clerk of each municipality forming the health unit within fifteen days of the by-law becoming effective.

4. Subsection 1 of section 56 of *The Public Health Act* is <sup>R.S.O. 1960, c. 321, s. 56, subs. 1, re-enacted</sup> repealed and the following substituted therefor:

(1) The Minister may supply insulin or any substance <sup>Insulin, etc., supplied free</sup> for the control or treatment of diabetes designated by the regulations to indigent persons free of charge upon such terms and conditions as the regulations may prescribe.

5. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

6. This Act may be cited as *The Public Health Amendment* <sup>Short title</sup> *Act, 1962-63.*



## CHAPTER 114

## An Act to amend The Public Lands Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 324,  
amended

67b.—(1) Unless the Minister otherwise directs, every patent, lease or licence of occupation issued under this Act shall contain a provision to the effect that the surface rights in any public or colonization road or any highway crossing the land granted, leased or licensed are excepted therefrom. Surface rights in roads, etc.

(2) Every patent, lease or licence of occupation issued under this Act shall reserve to the Crown such percentage, if any, of the surface rights of the land as the Minister deems necessary for road purposes. Idem

(3) Where in any patent, lease or licence of occupation heretofore issued under this Act or any predecessor thereof there is a reservation of a percentage of the land for road purposes and the rights with respect thereto have not been exercised before the 1st day of May, 1963, the reservation shall be deemed to be a reservation of the surface rights only. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Public Lands Amendment Act, 1962-63*. Short title





## CHAPTER 115

## An Act to amend The Public Libraries Act

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Public Libraries Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 325, s. 17, re-enacted

17.—(1) A public library board in a township shall be composed of the reeve of the township and three members to be appointed by the council, three to be appointed by the public school board or board of education, and two by the separate school board, if any. In townships

(2) Where there is more than one board qualified to deal with public school affairs or more than one separate school board, in each case the board that is supported by the greatest amount of assessment in the township shall appoint the members to be appointed by the public school board or board of education or by the separate school board, as the case may be, under subsection 1. Appointment where more than one board

(3) The term of office of the members of the public library board shall be the same respectively as the term of office of members appointed in an urban municipality under section 15 by the council, public school board or board of education or by the separate school board. Term of office

2. *The Public Libraries Act* is amended by adding thereto the following section: R.S.O. 1960, c. 325, amended

32a.—(1) A board shall appoint one or more librarians who, in the case of a board in a municipality having a population of 15,000 or more, shall hold a Class A, B or C certificate of librarianship issued by the Minister. Appointment of librarian

Librarians  
heretofore  
appointed

- (2) The qualifications for persons to be appointed as librarians under subsection 1 do not apply to persons appointed as librarians before this section comes into force.

Chief  
librarian

- (3) The chief librarian of a board shall be the chief executive of the board.

R.S.O. 1960,  
c. 325,  
amended

3. *The Public Libraries Act* is amended by adding thereto the following section:

Establish  
a regional  
library  
co-operative  
in counties

- 82a.—(1) The Minister, upon the receipt of a petition supported by three or more public library boards of cities or towns each having a population of 15,000 or more to establish a regional library co-operative to serve the library boards in the cities and towns and in the neighbouring counties, may establish a regional library co-operative board and determine the counties, cities and towns in which it will have jurisdiction.

Region of  
jurisdiction

- (2) The region under the jurisdiction of a regional library co-operative shall have a population of at least 100,000 and shall include at least three counties.

Board,  
members

- (3) A regional library co-operative board established under this section shall be composed of,
- (a) one member appointed by each of the library boards in the cities and in the towns each having a population of 15,000 or more in the region; and
  - (b) a number of members equal to the number appointed under clause *a* to be elected by the members of the other library boards in the region.

Idem

- (4) A member of a regional library co-operative board may also be a member of another library board in the region.

Term of  
office

- (5) A member of a regional library co-operative board shall hold office from the 1st day of January until the 31st day of December in the year for which he is elected or appointed, except that the first members of a board shall hold office during the year in which the board is established and until the 31st day of December of the following year.

Vacancies

- (6) The regional library co-operative board may appoint a qualified person to fill a vacancy created by any means in the membership of the board, and the person so appointed shall hold office for the remainder of the term of his predecessor.

(7) A regional library co-operative board may,

Powers of  
a regional  
library  
co-operative  
board

- (a) establish, within one or more of the participating libraries, a collection of reference books and other items as the basis of a reference service for the region;
- (b) promote inter-library loans of books and other items;
- (c) determine services that may be provided by one or more boards for other boards in the region for,
  - (i) the selecting, cataloguing, processing, circulating and disposing of books,
  - (ii) circulating films and pictures,
  - (iii) providing programmes of an educational nature for adults, and
  - (iv) other similar services that can be provided more efficiently and more economically on a co-operative basis;
- (d) determine the unit cost of supplying each service, and approve the fee to be charged for any service;
- (e) appoint a regional director of library services,
  - (i) who shall hold a Class A or B certificate of librarianship, and
  - (ii) who is not employed by a library board that is not in the region but who may be an employee of a library board in the region if that board agrees to the appointment.

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 1 comes into force on the 1st day of January, 1964. Idem

5. This Act may be cited as *The Public Libraries Amendment Act, 1962-63*. Short title





## CHAPTER 116

**An Act to amend  
The Public Officers' Fees Act**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 7 of *The Public Officers' Fees Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 327, s. 7,  
re-enacted

7.—(1) Every division court clerk is entitled to retain to his own use in each year, Division  
court  
clerks

(a) all the gross fees and emoluments earned by him in that year up to \$10,000;

(b) on the excess over \$10,000 up to \$20,000, 60 per cent thereof; and

(c) on the excess over \$20,000, 40 per cent thereof,

and he shall pay the balance of such fees and emoluments to the Treasurer of Ontario.

(2) Every division court bailiff is entitled to retain to his own use in each year, Division  
court  
bailiffs

(a) all the gross fees and emoluments earned by him in that year up to \$10,000;

(b) on the excess over \$10,000 up to \$20,000, 80 per cent thereof; and

(c) on the excess over \$20,000, 70 per cent thereof,

and he shall pay the balance of such fees and emoluments to the Treasurer of Ontario.

**2.** Section 12 of *The Public Officers' Fees Act* is repealed. R.S.O. 1960,  
c. 327, s. 12,  
repealed

**3.** This Act may be cited as *The Public Officers' Fees Amendment Act, 1962-63*. Short title



## CHAPTER 117

## An Act to amend The Public Schools Act

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 5, amended

- (7) The board may provide a class or classes for children Beginners class to enter school for the first time in the second term of any school year on and after a date approved by the board, in which case a child whose birthday is on or after the 1st day of January and before the 1st day of July and who is eligible to be admitted to public school or kindergarten, as the case may be, the following September has the right to attend such a class.

2. Section 6 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 6, amended

- (13) Notwithstanding the other provisions of this section, where it appears to a board that a child who resides in the school section is denied the right to attend school without the payment of a fee, the board may admit the child from year to year without the payment of a fee. Admission without fee

3. Subsection 2 of section 19 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 19, subs. 2, re-enacted

- (2) Where two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected. Determination where equal number of votes

4. Subsection 10 of section 23 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 23, subs. 10, re-enacted

Counting  
votes, deter-  
mination in  
case of tie

- (10) When a poll is closed, the secretary shall count the votes and,

(a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and

(b) in the case of a tie vote on a question, the vote shall be deemed to be negative.

R.S.O. 1960,  
c. 330, s. 40,  
subss. 2-4,  
re-enacted

5.—(1) Subsections 2, 3 and 4 of section 40 of *The Public Schools Act* are repealed and the following substituted therefor:

Inclusion  
of union  
school  
section in  
township  
area

- (2) The council of the township may by by-law include a union school section or part thereof in a township school area if the council of each other municipality that contains a portion of the union school section by resolution assents thereto within sixty days of the passing of the by-law, and, where the whole of the union school section is included, all parts thereof shall be regarded as part of the township for public school purposes.

Idem

- (3) Where the by-law provides for the inclusion of the whole of a union school section and the other municipalities do not assent within sixty days of the passing of the by-law to the inclusion of the union school section or any part thereof, the by-law shall not be effective in respect of the union school section, and the by-law shall be amended accordingly within ninety days of the passing thereof.

Idem

- (4) If the other municipalities assent to the inclusion of only a part or parts of the union school section, the by-law shall be effective only in respect of the part or parts, and the by-law shall be amended, if necessary, to conform to the assent within ninety days of the passing of the by-law.

R.S.O. 1960,  
c. 330, s. 40,  
subs. 9,  
amended

(2) Subsection 9 of the said section 40 is amended by striking out "before the 31st day of August of the same year" in the ninth and tenth lines and by adding at the end thereof "within sixty days of the passing of the by-law", so that the subsection shall read as follows:

Approval  
required

- (9) Where the township school area from which a portion is detached comprises two or more municipalities or parts thereof or where the portion detached or any part thereof is attached to a township school area, or to an adjoining school section, or to a union school section, part or all of which is situated in a

municipality



municipality other than a municipality having jurisdiction in the township school area from which the portion is detached, a by-law passed under subsection 8 shall not be effective unless it is approved by resolution passed by the council or councils of the municipalities concerned within sixty days of the passing of the by-law.

(3) Subsection 12 of the said section 40 is amended by striking out "The council of the township or the councils of the municipalities" in the first and second lines and inserting in lieu thereof "The council of a town, village or township or the councils of two or more municipalities".

R.S.O. 1960,  
c. 330, s. 40,  
subs. 12,  
amended

(4) Subsection 23 of the said section 40 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 40,  
subs. 23,  
re-enacted

(23) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of . . . . .  
 . . . . . (inserting the name of the municipality and a number designated by council where there are two or more township school areas established by the municipality)".

Incorporation

6. Subsection 1 of section 42 of *The Public Schools Act* is amended by striking out "within three months after the passing" in the sixth line and inserting in lieu thereof "after his approval", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 330, s. 42,  
subs. 1,  
amended

(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united into a township school area or added to or detached from a township school area shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Minister after his approval of the by-law or by-laws establishing, altering or dissolving the township school area.

Adjustment  
of claims

7. Subclause iii of clause a of subsection 19 of section 45 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 45,  
subs. 19,  
cl. a,  
subcl. iii,  
re-enacted

(iii) territory without municipal organization and all or part of two or more municipalities.

8. Section 61 of *The Public Schools Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 330, s. 61,  
amended

Where tax  
arrears  
procedures  
of R.S.O.  
1960, c. 98,  
in effect

- (8) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a school section, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the school section, and all the powers and duties of the sheriff in respect of tax arrears are vested in the treasurer of the board.

R.S.O. 1960,  
c. 330,  
amended

9. *The Public Schools Act* is amended by adding thereto the following section:

Inactive  
school  
section in  
unorganized  
territory

- 62a.—(1) When, in a school term, the number of public school pupils of compulsory school age residing in a school section in territory without municipal organization is fewer than ten and the board has ceased to operate a school, the inspector may, with the approval of the Minister, declare that the school section is inactive as of the last day of that school term.

Funds of  
board  
deposited  
in Con.  
Rev. Fund

- (2) When a school section in territory without municipal organization is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited and forward to the Minister the audited statement of accounts, the auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund for safekeeping.

Dissolution  
of board

- (3) If the Minister is satisfied that the board has carried out its duties under subsection 2, he shall dissolve the board.

Records;  
pupils

- (4) The records of the inactive school section shall be filed in the office of the school inspector and, for the purposes of this Act, the pupils resident in the inactive school section shall be deemed not to reside in a school section.

School  
section  
declared  
active

- (5) Where ten or more children of compulsory school age, whose parents or guardians are not separate school supporters, reside in an inactive school section in territory without municipal organization for a school term, the inspector may, with the approval of the Minister, declare the school section to be active.

Trustees

- (6) After the inspector has declared the school section to be active, three school trustees shall be elected in accordance with section 56, and the trustees shall

provide

provide for the education of the pupils commencing in the following school term, and any funds that were deposited in the Consolidated Revenue Fund for safekeeping on behalf of the school section shall be returned to the board.

10. Subsection 8 of section 65 of *The Public Schools Act* is repealed. R.S.O. 1960, c. 330, s. 65, subs. 8, repealed

11. Section 68 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 68, amended

- (2) Where debentures are issued by a municipality on behalf of a school board, the expenses of preparing and publishing any by-law or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board. Expenses re issuing debentures

12. Subsection 2 of section 74 of *The Public Schools Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 330, s. 74, subs. 2, amended

- (i) enter into an agreement with the Crown in right of Canada for a period not exceeding five years at any one time to provide accommodation and tuition at the gross cost per pupil per day, as defined in section 6, for the maximum number of Indian pupils agreed upon; agreements re accommodation for Indian pupils
- (j) enter into an agreement with the Crown in right of Canada for a period not exceeding twenty years at any one time to provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and in such case the tuition fee shall be the gross cost per pupil per day, as defined in section 6, for the current year exclusive of expenditures for permanent improvements. idem

13. Subsection 8 of section 76 of *The Public Schools Act*, as enacted by section 18 of *The Public Schools Amendment Act, 1961-62*, is amended by striking out "thirty days after the request, the council that passed the by-law may within the next twenty days" in the seventh, eighth and ninth lines and inserting in lieu thereof "sixty days of the passing of the by-law," R.S.O. 1960, c. 330, s. 76, subs. 8, (1961-62, c. 120, s. 18), amended

law, the council that passed the by-law may within twenty days after the time for passing the resolution has expired", so that the subsection shall read as follows:

Appeal to  
county  
council re  
assenting  
resolution

- (8) Where the council of a municipality in a county passes a by-law for the formation, division, union or alteration of a township school area and requests the council of another municipality that is required to assent thereto to pass such an assenting resolution, and the council of such other municipality refuses or neglects to pass such a resolution within sixty days of the passing of the by-law, the council that passed the by-law may within twenty days after the time for passing the resolution has expired appeal to the council of the county against the refusal or neglect, and subsections 3, 4, 6 and 7 apply *mutatis mutandis*.

Commence-  
ment

- 14.** This Act comes into force on the day it receives Royal Assent.

Short title

- 15.** This Act may be cited as *The Public Schools Amendment Act, 1962-63*.



## CHAPTER 118

**An Act to amend  
The Public Service Act, 1961-62**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Public Service Act, 1961-62* is amended by adding thereto the following clause: 1961-62,  
c. 121, s. 1,  
amended

(*da*) "Crown employee" means a person employed in the service of the Crown or any agency of the Crown, but does not include an employee of The Hydro-Electric Power Commission of Ontario, the Workmen's Compensation Board, or the Ontario Northland Transportation Commission.

**2.** Subsection 1 of section 7 of *The Public Service Act, 1961-62* is amended by striking out "at a time" in the third line and inserting in lieu thereof "on the first appointment and for any period on any subsequent appointment", so that the subsection shall read as follows: 1961-62,  
c. 121, s. 7,  
subs. 1,  
amended

(1) A minister or any public servant who is designated in writing for the purpose by him may appoint for a period of not more than one year on the first appointment and for any period on any subsequent appointment a person to a position in the unclassified service in any department over which he presides. Appointment  
by minister  
to unclassified  
service

**3.** *The Public Service Act, 1961-62* is amended by adding thereto the following sections: 1961-62,  
c. 121,  
amended

9a. A Crown employee, other than a deputy minister or any other Crown employee in a position or classification designated in the regulations, may be a candidate for election to any elective municipal office, including a member or trustee of an elementary or secondary Political  
activities  
of Crown  
employees,  
municipal  
elections

school board or a trustee of an improvement district, or may serve in such office or actively work in support of a candidate for such office if,

- (a) the candidacy, service or activity does not interfere with the performance of his duties as a Crown employee;
- (b) the candidacy, service or activity does not conflict with the interests of the Crown; and
- (c) the candidacy, service or activity is not in affiliation with or sponsored by a provincial or federal political party.

Political activities of Crown employees, provincial and federal elections

9b.—(1) Except during a leave of absence granted under subsection 2, a Crown employee shall not,

- (a) be a candidate in a provincial or federal election or serve as an elected representative in the legislature of any province or in the Parliament of Canada;
- (b) solicit funds for a provincial or federal political party or candidate; or
- (c) associate his position in the service of the Crown with any political activity.

Leave of absence for election candidates

(2) Any Crown employee, other than a deputy minister or any other Crown employee in a position or classification designated in the regulations under clause *ra* of subsection 1 of section 20, who proposes to become a candidate in a provincial or federal election shall apply through his minister to the Lieutenant Governor in Council for leave of absence without pay for a period,

- (a) not longer than that commencing on the day on which the writ for the election is issued and ending on polling day; and
- (b) not shorter than that commencing on the day provided by statute for the nomination of candidates and ending on polling day,

and every such application shall be granted.

Resignation

(3) Where a Crown employee who is a candidate in a provincial or federal election is elected, he shall forthwith resign his position as a Crown employee.

- (4) Where a Crown employee who has resigned under subsection 3, <sup>Re-appointment</sup>

(a) ceases to be an elected political representative within five years of the resignation; and

(b) applies for re-appointment to his former position or to another position in the service of the Crown for which he is qualified within three months of ceasing to be an elected political representative,

he shall be re-appointed to the position upon its next becoming vacant.

- (5) Where a Crown employee has been granted leave of absence under subsection 2 and was not elected, or resigned his position under subsection 3 and was re-appointed under subsection 4, the period of the leave of absence or resignation shall not be computed in determining the length of his service for any purpose, and the service before and after such period shall be deemed to be continuous for all purposes. <sup>Service deemed continuous</sup>

9c.—(1) A civil servant shall not during a provincial or federal election canvass on behalf of a candidate in the election. <sup>Canvassing prohibited during elections, civil servants</sup>

- (2) Notwithstanding subsection 1, a deputy minister or any other Crown employee in a position or classification designated in the regulations under clause *ra* of subsection 1 of section 20 shall not at any time canvass on behalf of or otherwise actively work in support of a provincial or federal political party or candidate. <sup>Idem, senior officials</sup>

9d. Except during a leave of absence granted under subsection 2 of section 9b, a civil servant shall not at any time speak in public or express views in writing for distribution to the public on any matter that forms part of the platform of a provincial or federal political party. <sup>Speaking, etc., on political issues by civil servants</sup>

9e. A Crown employee shall not during working hours engage in any activity for or on behalf of a provincial or federal political party. <sup>Political activity during working hours</sup>

9f. A contravention of section 9a, 9b, 9c, 9d or 9e shall be deemed to be sufficient cause for dismissal. <sup>Dismissal for contravention</sup>

1961-62,  
c. 121, s. 15,  
subs. 1,  
amended

4. Subsection 1 of section 15 of *The Public Service Act, 1961-62* is amended by striking out "a period not exceeding two weeks" in the third line and inserting in lieu thereof "such period as the regulations prescribe", so that the subsection shall read as follows:

Suspension  
during  
investigation

- (1) A deputy minister may, pending an investigation, suspend from employment any public servant in his department for such period as the regulations prescribe, and during any such period of suspension may withhold the salary of the public servant.

1961-62,  
c. 121, s. 19,  
re-enacted

5. Section 19 of *The Public Service Act, 1961-62* is repealed and the following substituted therefor:

Debts of  
persons  
paid out  
of  
Consolidated  
Revenue  
Fund

19. Where a debt or money demand of not less than \$25, either on a judgment or otherwise and not being a claim for damages, is due and owing by a Crown employee whose salary or wages are paid out of the Consolidated Revenue Fund, and the creditor files with the Treasurer of Ontario,

(a) a notice of the debt or money demand; and

(b) such proof as the Treasurer requires that the debt or money demand is owing,

the Treasurer may deduct from the salary of the debtor, or from any money owing to him from the Crown and payable out of the Consolidated Revenue Fund, such amount as the Treasurer sees fit in the circumstances and pay the amount to the creditor in discharge or in partial discharge of the debt or money demand.

1961-62,  
c. 121,  
amended

6. *The Public Service Act, 1961-62* is amended by adding thereto the following sections:

Joint  
Council  
established

19a.—(1) There shall be a Joint Council composed of eight members of whom,

(a) four shall be public servants appointed by the Lieutenant Governor in Council;

(b) three shall be public servants appointed by the Lieutenant Governor in Council on the recommendation of the Civil Service Association of Ontario; and

(c) one shall be an officer of the Civil Service Association of Ontario appointed by the

Lieutenant Governor



Lieutenant Governor in Council on the recommendation of the Civil Service Association of Ontario.

- (2) The Lieutenant Governor in Council shall appoint <sup>Chairman</sup> a person who is not a member of the Joint Council as chairman, and the chairman shall not vote.
- (3) The Lieutenant Governor in Council may appoint <sup>Alternate chairman</sup> a person who is not a member of the Joint Council to act as chairman when the chairman is absent.
- (4) The chairman of the Joint Council shall, <sup>Duties of chairman</sup>
  - (a) convene at least four meetings of the Joint Council in each year;
  - (b) prepare the agenda of each meeting;
  - (c) put on the agenda at the request of a member any matter concerning the terms of employment of public servants, including working conditions, remuneration, leaves and hours of work, that is not excluded by the regulations; and
  - (d) preside at the meetings.
- (5) The Lieutenant Governor in Council shall appoint a <sup>Vice-chairman</sup> vice-chairman of the Joint Council who shall be the member of the Joint Council who is nominated for the purpose by the members of the Joint Council who were appointed upon the recommendation of the Civil Service Association of Ontario.
- (6) A quorum of the Joint Council is, <sup>Quorum</sup>
  - (a) the chairman;
  - (b) three members who were appointed on the recommendation of the Civil Service Association of Ontario; and
  - (c) three members other than those referred to in clause b.
- (7) The Joint Council shall negotiate such matters as are <sup>Duties of Joint Council</sup> put on its agenda by the chairman under subsection 4.
- (8) Every decision of the Joint Council shall be signed <sup>Decisions</sup> by the chairman and the vice-chairman, and the chairman shall transmit it to the appropriate authority to be implemented.

Referral  
to Civil  
Service  
Arbitration  
Board

19b.—(1) Where a majority of the members of the Joint Council is unable to agree upon any matter, the chairman shall refer the matter to the Civil Service Arbitration Board who shall, after a hearing, decide the matter.

## Composition

(2) There shall be a Civil Service Arbitration Board appointed by the Lieutenant Governor in Council composed of,

(a) a chairman who shall be appointed for a renewable term of two years;

(b) one member designated from time to time by the members of the Joint Council appointed under clause *a* of subsection 1 of section 19a; and

(c) one member designated from time to time by the members of the Joint Council appointed under clauses *b* and *c* of subsection 1 of section 19a.

## Decision

(3) Every decision of the Civil Service Arbitration Board shall be signed by the chairman, and he shall transmit it to the appropriate authority to be implemented.

R.S.O. 1960,  
c. 18, not  
to apply

(4) *The Arbitrations Act* does not apply to matters referred to the Civil Service Arbitration Board under this section.

1961-62,  
c. 121,  
s. 20, subs. 1,  
amended

7.—(1) Subsection 1 of section 20 of *The Public Service Act, 1961-62* is amended by adding thereto the following clause:

(ma) prescribing periods of suspension or removal from employment for the purposes of section 15.

1961-62,  
c. 121, s. 20,  
subs. 1, cl. *p*,  
amended

(2) Clause *p* of subsection 1 of the said section 20 is amended by striking out "a joint advisory council" in the first line, so that the clause shall read as follows:

(*p*) providing for departmental or branch councils, grievance boards, medical boards, and committees of any kind, and prescribing their jurisdictions, powers and duties, including any of the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,  
c. 323

(3) Clause *r* of subsection 1 of the said section 20 is repealed and the following substituted therefor:

1961-62,  
c. 121, s. 20,  
subs. 1, cl. *r*,  
re-enacted

(*r*)

(r) prescribing the duties and procedures of the Joint Council and the Civil Service Arbitration Board and excluding matters from the agenda of the Joint Council;

(ra) designating positions or classifications of Crown employees for the purpose of section 9a.

**8.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sup>ment</sup>

**9.** This Act may be cited as *The Public Service Amendment Act, 1962-63*.<sup>Short title</sup>





## CHAPTER 119

# An Act to amend The Public Service Superannuation Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 8 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 8, subs. 3, re-enacted

(3) Where the Lieutenant Governor in Council designates a board, commission or foundation under section 27, amounts equivalent to the contributions to the Fund of persons who become contributors by reason of such designation shall be paid into the Fund by the board, commission or foundation in lieu of the credits to the Fund provided for in subsection 1. Designated boards, commissions and foundations

**2.** Subsection 1 of section 16 of *The Public Service Superannuation Act*, as re-enacted by section 7 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 16 (1961-62, c. 122, s. 7), subs. 1, re-enacted

(1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown, any allowance or annuity that he received immediately prior to such re-employment or engagement or to which he becomes entitled during such re-employment or engagement shall not be paid during the period of such re-employment or engagement. Re-employment

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Public Service Superannuation Amendment Act, 1962-63*. Short title



## CHAPTER 120

## An Act to amend The Public Utilities Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Public Utilities Act* is repealed. R.S.O. 1960,  
c. 335, s. 2,  
subs. 2,  
repealed

2. Subsection 2 of section 4 of *The Public Utilities Act* is amended by inserting after "within" in the fifth line "or without" and by striking out "or within the distance limited by subsection 2 of section 2" in the sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1960,  
c. 335, s. 4,  
subs. 2,  
amended

(2) The corporation and its servants may for such purposes enter and pass upon and over such intermediate land, and may, if necessary, cut and dig up the same and lay pipes through it, and in, upon, through, over and under the highways, lanes and other public communications within or without the municipality, and in, upon, through, over and under the land of any person within the municipality. Power to  
enter on  
inter-  
mediate  
lands

3. Subsection 3 of section 35 of *The Public Utilities Act* is amended by adding at the commencement thereof "Except where a water works rate is imposed under section 380 of *The Municipal Act*", so that the subsection shall read as follows: R.S.O. 1960,  
c. 335, s. 35,  
subs. 3,  
amended

(3) Except where a water works rate is imposed under section 380 of *The Municipal Act*, it is not necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, other than those issued under *The Local Improvement Act*, except to the extent to which the receipts paid over under subsection 1 are insufficient to meet the annual payments falling due on account of principal and interest of the debentures. Where levy  
of rate  
necessary

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Public Utilities Amendment Act, 1962-63*.



## CHAPTER 121

**An Act to afford Protection for the  
Payment of Wages, Materials and  
Services on Public Works**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Inter-  
pre-  
tation

- (a) "claimant" means a creditor who has sent a notice under subsection 1 of section 2;
- (b) "contractor" means a person who performs work in the construction, alteration, repair or maintenance of a public work under a contract between the person and the Crown, and includes any sub-contractor engaged in such a work;
- (c) "creditor" means a person who supplies labour, materials or services used or reasonably required for use in the performance of a contract with the Crown for the construction, alteration, repair or maintenance of a public work;
- (d) "Crown" includes a board, commission or agency of the Crown and the Ontario Water Resources Commission, but does not include The Hydro-Electric Power Commission of Ontario;
- (e) "public work" has the same meaning as in *The Public Works Act* and in addition thereto includes any undertaking by the Crown at the expense of any person or municipality; R.S.O. 1960,  
c. 338
- (f) "surety" means a person who guarantees to the Crown the payment of creditors under a bond with the Crown.

**2.—(1)** Where a contractor does not pay a creditor in accordance with his obligation so to do, the creditor may, not Service of  
notice of  
non-payment

later

later than ninety days after the last day on which the labour, materials or services were provided, send to the appropriate office of the Crown by registered mail a notice setting out the nature and amount of his claim.

Payment  
of claim

(2) The Crown may, after notice in writing to the contractor and surety, if any, pay the claimant the amount settled upon and deduct the amount so paid from any moneys due or that may become due to the contractor on any account or from the moneys or securities, if any, deposited by the contractor with the Crown, and, if there are insufficient moneys due or to become due to the contractor to permit of such deduction, the surety, if any, shall pay to the Crown upon demand an amount sufficient to make up the deficiency.

Amount  
paid final

(3) In paying a claim under subsection 2, the Crown may act upon any evidence that it deems sufficient and may compromise any disputed liability, and such payment is not open to dispute or question by the contractor or the surety, if any, but is final and binding upon them.

Crown may  
demand list  
of creditors

3. The Crown may, in writing, require a contractor to send to it, by registered mail, within fifteen days from the date of the mailing of the demand, a list of the names of and the amounts owing to his creditors.

Contractor  
to display  
s. 2, subs. 1

4. Every contractor shall display and keep displayed in a conspicuous place on the public work a copy of subsection 1 of section 2.

Offences

5. A contractor who does not file a list when required to do so under section 3 or who does not display and keep displayed a copy of subsection 1 of section 2 as required by section 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every day during which the default continues.

Regulations

6.—(1) The Lieutenant Governor in Council may make regulations,

- (a) extending or reducing the periods of time referred to in sections 2 and 3;
- (b) providing for and requiring notices in addition to the notice mentioned in section 2;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under subsection 1 or any provision thereof may be made applicable in respect of any class or classes of contractor. Application

7. *The Public and Other Works Wages Act* is repealed. R.S.O. 1960,  
c. 328,  
repealed

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

9. This Act may be cited as *The Public Works Creditors Payment Act, 1962-63*. Short title





## CHAPTER 122

**An Act respecting  
Radiological Technicians in Ontario**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the board appointed under this Act;
- (b) "Canadian Society" means the Canadian Society of Radiological Technicians;
- (c) "Ontario Society" means the Ontario Society of Radiological Technicians;
- (d) "radiological technician" means a person who practises the technical aspects of the medical use of ionizing radiation, including Roentgen or X-rays, radium, radio-active isotopes and particles for diagnosis or treatment;
- (e) "radiologist" means a duly qualified medical practitioner who holds a specialist certification in diagnostic or therapeutic radiology from the Royal College of Physicians and Surgeons of Canada;
- (f) "registered" means registered under this Act, and "registration" has a corresponding meaning;
- (g) "registrar" means the registrar appointed by the Board;
- (h) "regulations" means the regulations made under this Act.

**2.—(1)** The Lieutenant Governor in Council may appoint Board a board consisting of seven members to be known as the Board of Radiological Technicians, comprising,

(a)

- (a) four radiological technicians recommended by the Board of Directors of the Ontario Society;
- (b) two radiologists recommended by the Section of Radiology of the Ontario Medical Association; and
- (c) one person, recommended by the Board of Directors of the Ontario Medical Association from the secretariat of the Ontario Medical Association, who is not a radiologist.

**Term of office**

(2) Every member of the Board shall hold office for a period of two years, but any member is eligible for re-appointment at the expiration of his term of office.

**Vacancies**

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the Lieutenant Governor in Council by the appointment of a person to hold office for the remainder of the term of such member.

**Officers**

(4) The Board shall elect one member of the Board to be the chairman, one to be the vice-chairman and one to be the secretary-treasurer of the Board.

**Corporation**

**3.**—(1) The Board is hereby constituted a corporation.

**Function**

(2) The Board shall administer and enforce this Act and the regulations.

**Actions against Board barred**

(3) No action shall be brought against the Board or any member of it for anything done under this Act or the regulations.

**By-laws**

**4.** The Board may pass by-laws providing for,

- (a) the calling and conduct of its meetings and proceedings;
- (b) the remuneration and expenses of persons employed by the Board while engaged upon the business of the Board;
- (c) the appointment and remuneration of a registrar, teachers, examiners, inspectors and such other persons as the Board may employ, and prescribing the duties of such persons;
- (d) banking and finance and the management of its property;

(e)

- (e) entering into an agreement or agreements with any university, school or college for such instruction, direction and lectures as may be necessary for the purposes of this Act; and
- (f) all other matters reasonably necessary for carrying out the provisions of this Act.

**5.—**(1) The Board shall register any radiological technician <sup>Registration</sup> who at the date of the coming into force of this Act,

- (a) is an active or associate member of the Ontario Society; or
- (b) has met the training and examination standards prescribed jointly by the Canadian Society and the Canadian Association of Radiologists, and is practising as a radiological technician in Ontario, and applies to the Board to be registered within one year after this Act comes into force; or
- (c) has been practising in Ontario as a radiological technician for a period of five years under the supervision of a duly qualified medical practitioner and has complied with the requirements of the regulations.

(2) The registrar shall register any person who, <sup>Idem</sup>

- (a) has completed the course of training prescribed by the regulations;
- (b) has passed the examinations of the Board; and
- (c) has paid the prescribed fees.

**6.—**(1) The registrar shall keep a register of all registered <sup>Register</sup> radiological technicians showing their places of business or employment from time to time.

(2) If an application for registration is refused by the registrar or an entry is made in the register in error or by reason of misrepresentation, the Board may direct that the necessary entry, erasure or amendment be made in the register, and the registrar shall make such entry, erasure or amendment. <sup>Errors, etc.</sup>

**7.** The registrar shall issue a certificate of registration in <sup>Certificate of registration</sup> respect of each registration, which shall be renewed annually at such times and upon such conditions and the payment of such fee as the regulations prescribe.

Use of  
title

**8.** No person shall use the title "Registered Radiological Technician" or the abbreviation "R.R.T." unless he is registered.

Unauthor-  
ized use of  
title, etc.

**9.—(1)** Any person not registered,

(a) who assumes or uses the title "Registered Radiological Technician" or the abbreviation "R.R.T.", or any other words or letters to indicate that he is a registered radiological technician; or

(b) who directly or indirectly by advertisement, sign or statement of any kind advertises, alleges or claims by any means whatsoever that he is entitled to assume or use the title "Registered Radiological Technician" or the abbreviation "R.R.T.",

is guilty of an offence and is liable on summary conviction, for a first offence, to a fine of not less than \$100 and not more than \$200 and, for any subsequent offence, to a fine of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than three months, or to both fine and imprisonment.

Disposition  
of fines

(2) All fines recovered for offences against this section shall be paid to the registrar for the use of the Board.

Suspension,  
revocation of  
registration

**10.—(1)** The Board may by order suspend or revoke the registration of any registered radiological technician who it finds has been guilty of unprofessional conduct as defined by the regulations, or of incompetence, fraud or misrepresentation in connection with his practice.

Public  
hearing

(2) Before suspending or revoking the registration of a registered radiological technician under subsection 1, the Board shall, by notice in writing, inform him of the complaint or charge that has been made against him and shall provide him with an opportunity of appearing in person or by counsel before the Board at a public hearing and of presenting such evidence and making such representations as he desires.

Powers

(3) The chairman or vice-chairman of the Board in conducting a public hearing under this section has the same powers as may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,  
c. 323

Review of  
order

(4) The Board may review at any time any order made under this section and may make such further order as it deems proper.



(5) A copy of any order made under this section shall be <sup>Service of order</sup> served on the person affected.

**11.**—(1) Any person affected by an order made under <sup>Appeal</sup> section 10 may appeal therefrom to a judge of the county or district court of the county or district in which he practises.

(2) Notice of appeal shall be given in writing within two <sup>Notice of appeal</sup> weeks after service of the copy of the order of the Board on the person affected by filing a copy of the notice of appeal with the clerk of the court and serving a copy thereof on the registrar.

(3) The appellant shall apply to the judge to fix a date <sup>Date of hearing</sup> for the hearing of the appeal, and shall forthwith serve on the registrar notice of the date so fixed.

(4) The appellant may appear on the appeal in person or <sup>Appearances</sup> by counsel, and the Board may appear by any member thereof or by counsel.

(5) The hearing of the appeal shall be a trial *de novo*, and <sup>Nature of appeal</sup> the judge may hear all such evidence as he deems to be relevant and may affirm the order of the Board, or amend it and affirm it as amended, or set it aside.

**12.** The register, or a copy thereof certified by the registrar, <sup>Register as evidence</sup> is admissible in any proceedings as evidence of registration or of lack thereof.

**13.** No registered radiological technician is liable in any <sup>Limitation of actions</sup> civil action for negligence or malpractice by reason of professional services requested or rendered unless such action is commenced within twelve months from the date when, in the matter complained of, such professional services terminated.

**14.**—(1) The Board, subject to the approval of the <sup>Regulations</sup> Lieutenant Governor in Council, may make regulations,

- (a) prescribing the requirements for admission to courses of training for radiological technicians and the content of such courses;
- (b) providing for the holding of examinations for candidates for registration who are in attendance at or graduates of courses for radiological technicians;
- (c) governing registration and the suspension and cancellation of registration and the issue and renewal of certificates of registration;

(d)

- (d) defining unprofessional conduct for the purposes of this Act;
- (e) prescribing fees for the examination of candidates for registration, and for registration and for the renewal of registration;
- (f) prescribing the fees and expenses payable to members of the Board while carrying on their duties under this Act;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Submission  
of regula-  
tions for  
approval

(2) Every regulation made by the Board shall be submitted in writing to the Council of the College of Physicians and Surgeons at least thirty days before being submitted to the Lieutenant Governor in Council for approval, and any submissions of the Council of the College of Physicians and Surgeons shall be submitted to the Lieutenant Governor in Council with the application for approval of the regulations.

Commence-  
ment

**15.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**16.** This Act may be cited as *The Radiological Technicians Act, 1962-63*.

## CHAPTER 123

**An Act to amend  
The Real Estate and Business Brokers Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 6 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 6, amended

(2) The said section 6 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 344, s. 6, amended

(2) The Registrar shall not refuse to grant or to renew registration without giving the applicant an opportunity to be heard. Refusal of registration

2. Section 7 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar, after giving the registrant an opportunity to be heard", so that the section shall read as follows: R.S.O. 1960, c. 344, s. 7, amended

7. The Registrar, after giving the registrant an opportunity to be heard, shall suspend or cancel a registration where in his opinion such action is in the public interest. Suspension, cancellation

3. Subsection 1 of section 8 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and in the eighth line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960, c. 344, s. 8, subs. 1, amended

4. Section 9 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 9, amended

5. Subsection 1 of section 10 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960, c. 344, s. 10, subs. 1, amended

R.S.O. 1960,  
c. 344, s. 12,  
amended

**6.** Section 12 of *The Real Estate and Business Brokers Act* is amended by striking out "and shall when so directed by the Superintendent" in the first and second lines.

R.S.O. 1960,  
c. 344, s. 13,  
amended

**7.** Section 13 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Registrar".

R.S.O. 1960,  
c. 344, s. 17,  
subs. 2,  
amended

**8.** Subsection 2 of section 17 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,  
c. 344, s. 21,  
amended

**9.** Section 21 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,  
c. 344, s. 23,  
amended

**10.** Section 23 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,  
c. 344,  
heading,  
amended

**11.** The heading preceding section 24 of *The Real Estate and Business Brokers Act* is amended by striking out "SUPERINTENDENT" and inserting in lieu thereof "REGISTRAR".

R.S.O. 1960,  
c. 344, s. 24,  
subs. 1,  
re-enacted

**12.—(1)** Subsection 1 of section 24 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Order to  
investigate

(1) Where upon a statement made under oath it appears probable to the Registrar that a person has,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence under the *Criminal Code* (Canada) in connection with a trade in real estate,

the Registrar or such other person as the Superintendent may appoint may make such investigation as the Registrar deems expedient for the due administration of this Act.

R.S.O. 1960,  
c. 344, s. 24,  
subs. 2,  
amended

(2) Subsection 2 of the said section 24 is amended by inserting after "investigation" in the first line "the Registrar or".

R.S.O. 1960,  
c. 344, s. 24,  
subs. 4,  
amended

(3) Subsection 4 of the said section 24 is amended by striking out "appointed to make" in the first line and inserting in lieu thereof "making".



(4) Subsection 5 of the said section 24 is amended by striking out "Where any such investigation is ordered" in the first line. R.S.O. 1960,  
c. 344, s. 24,  
subs. 5,  
amended

(5) Subsection 6 of the said section 24 is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar". R.S.O. 1960,  
c. 344, s. 24,  
subs. 6,  
amended

**13.** Section 25 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line, in the ninth line and in the twelfth line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960,  
c. 344, s. 25,  
amended

**14.** Section 26 of *The Real Estate and Business Brokers Act* is amended by striking out "the Superintendent or" in the second and third lines. R.S.O. 1960,  
c. 344, s. 26,  
amended

**15.** Section 27 of *The Real Estate and Business Brokers Act* is amended by striking out "the Superintendent" in the first line. R.S.O. 1960,  
c. 344, s. 27,  
amended

**16.** Section 28 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960,  
c. 344, s. 28,  
amended

**17.—**(1) Subsection 1 of section 29 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first line, in the eighth line and in the twenty-second line and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960,  
c. 344, s. 29,  
subs. 1,  
amended

(2) Subsection 3 of the said section 29 is amended by striking out "Superintendent" in the second line and in the eighth and ninth lines and inserting in lieu thereof in each instance "Registrar". R.S.O. 1960,  
c. 344, s. 29,  
subs. 3,  
amended

**18.** Section 30 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar". R.S.O. 1960,  
c. 344, s. 30,  
amended

**19.—**(1) Subsection 2 of section 31 of *The Real Estate and Business Brokers Act* is amended by striking out "Registrar" in the second line and inserting in lieu thereof "Superintendent". R.S.O. 1960,  
c. 344, s. 31,  
subs. 2,  
amended

(2) Subsections 3 and 4 of the said section 31 are repealed and the following substituted therefor: R.S.O. 1960,  
c. 344, s. 31,  
subs. 3, 4,  
re-enacted

(3) Upon a review, the Superintendent may hear such evidence as is submitted to him that in his opinion is relevant to the review and he is not bound by any

law respecting the admissibility of evidence, and the oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence, forms the record.

Power to  
summon  
witnesses,  
etc.

- (4) Upon a review, the Superintendent has the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but the rules of court or of law relating to the service of subpoenas upon, and to the payment of conduct money or witness fees to, witnesses do not apply.

Power on  
review

- (4a) Upon a review, the Superintendent may by order direct the Registrar to make such direction, decision, order or ruling or to do such other act as the Registrar is authorized to do under this Act or the regulations and as the Superintendent deems proper having regard to the material and submissions before him and to the provisions of this Act and the regulations, and the Registrar shall make such direction, decision, order or ruling or do such act accordingly.

R.S.O. 1960,  
c. 344, s. 33,  
amended

- 20.** Section 33 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line, in the fourth line and in the seventh line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,  
c. 344, s. 34,  
amended

- 21.** Section 34 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Registrar".

R.S.O. 1960,  
c. 344, s. 38,  
amended

- 22.** Section 38 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the first and second lines, in the second line and in the fourth line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1960,  
c. 344, s. 48,  
amended

- 23.** Section 48 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1960,  
c. 344,  
amended

- 24.** *The Real Estate and Business Brokers Act* is amended by adding thereto the following sections:

## TRADING IN SUBDIVISION LOTS

- 54a. In sections 54*b* to 54*h*, "subdivision" means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease. Interpretation
- 54*b*.—(1) No person shall, in any capacity, trade in real estate, where the real estate is a lot or unit of land in a subdivision located outside Ontario, until there has been filed with the Registrar a prospectus containing the prescribed information and until there has been obtained from the Registrar a certificate of acceptance thereof. Sale of subdivision land outside Ontario prospectus required
- (2) No person shall make any representation, written or oral, that the Superintendent or the Registrar has passed upon the financial standing, fitness or conduct of any person in connection with any such prospectus or upon the merits of any such prospectus. Certain representations prohibited
- 54*c*.—(1) No person shall, either as a vendor or as a broker or salesman, enter into or negotiate any contract for the sale or lease of a lot or a unit of land in a subdivision located outside Ontario unless, Prospectus to be delivered to purchaser
- (a) a copy of the prospectus referred to in section 54*b* has been delivered to the prospective purchaser or tenant, as the case may be; and
- (b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus and that he has been afforded the opportunity to read it.
- (2) Every acknowledgement referred to in subsection 1 shall be retained by the vendor or broker and be available for inspection by the Registrar for a period of not less than three years. Acknowledgement to be retained for inspection
- (3) A purchaser or tenant who has entered into a contract where subsection 1 applies is entitled to rescission of the contract if, When purchaser entitled to rescission
- (a) subsection 1 has not been complied with; and
- (b) written notice of exercising the right of rescission is served on the vendor or broker within ninety days of the signing of the contract.



Onus of  
proof

- (4) In an action for rescission under subsection 3, the onus of proving compliance with subsection 1 rests upon the vendor.

Other  
rights  
preserved

- (5) The right of rescission provided in this section is in addition to any other rights that the purchaser or tenant may have in respect of the contract.

Material  
in support  
of prospectus

- 54*d*. Each prospectus submitted to the Registrar for filing shall be accompanied by,

- (a) an affidavit of the owner of the subdivision or, where the owner is a corporation, any three directors thereof, as to the correctness of every matter of fact stated in the prospectus;
- (b) a copy of every plan referred to in the prospectus;
- (c) a copy of every form of contract referred to in the prospectus;
- (d) such documents as the Registrar may require to support any statement of fact, proposal or estimate set out in the prospectus;
- (e) such financial particulars of the owner as the Registrar may require; and
- (f) the prescribed fees.

Conditions  
precedent  
to grant of  
certificate

- 54*e*. The Registrar shall not grant a certificate of acceptance where it appears that,

- (a) the prospectus contains any statement, promise or forecast that is misleading, false or deceptive, or has the effect of concealing material facts;
- (b) adequate provision has not been made for the protection of deposits or other funds of purchasers or for assurance of title or other interest contracted for;
- (c) the prospectus fails to comply in any substantial respect with any of the requirements prescribed;
- (d) the requirements of section 54*d* have not been complied with in any substantial respect.



54f.—(1) The Registrar may, before issuing a certificate of acceptance, make such inquiries as he deems necessary, including, <sup>Inquiries, etc.</sup>

(a) an examination of the subdivision and any of the surrounding circumstances;

(b) the obtaining of reports from public authorities or others in the jurisdiction in which the subdivision is located.

(2) The reasonable and proper costs of such inquiries or reports shall be borne by the person on whose behalf the prospectus was filed. <sup>Costs</sup>

54g. The Registrar shall grant the certificate of acceptance where the requirements of this Act and the regulations have been complied with and in his opinion such action is in the public interest, but he shall not refuse to grant such a certificate without giving the person on whose behalf the prospectus was filed an opportunity to be heard. <sup>Powers of Registrar</sup>

54h. Where the Registrar has refused to grant or has revoked a certificate of acceptance, sections 30 to 34 apply *mutatis mutandis*. <sup>Review by Superintendent, and appeal</sup>

54i.—(1) If a change occurs with regard to any of the matters set out in any prospectus, <sup>Change in circumstances</sup>

(a) that would have the effect of rendering a statement in the prospectus false or misleading; or

(b) that brings into being a fact or proposal that should have been disclosed in the prospectus if the fact or proposal had existed at the time of filing,

the person who filed the prospectus shall, within twenty days of the change occurring, notify the Registrar in writing of the change and shall file an amendment to the prospectus or a new prospectus as the Registrar may direct.

(2) Where trading in real estate mentioned in section 54b is still in progress twelve months from the date of the filing of the last prospectus, a new prospectus shall be filed with the Registrar within twenty days from the expiration of such twelve-month period. <sup>New prospectus every 12 months</sup>

Application  
of ss. 54a-  
54h

- (3) Sections 54a to 54h apply *mutatis mutandis* where a prospectus is amended or a new prospectus is filed under subsection 1 or 2.

Stop orders

- 54j. Where it appears to the Registrar, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in section 54e exist or where in his opinion such action is necessary in the public interest, he may, after giving the person on whose behalf the prospectus was filed an opportunity to be heard, revoke the certificate of acceptance and order that all trading in the subdivision to which the prospectus refers shall cease forthwith.

R.S.O. 1960,  
c. 344, s. 55,  
amended

25. Section 55 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

Maximum  
fine, cor-  
porations

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum fine that may be imposed is \$25,000 and not as provided therein.

R.S.O. 1960,  
c. 344, s. 58,  
amended

- 26.—(1) Section 58 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following clauses:

(da) prescribing the fees payable upon the filing of a prospectus;

(fa) prescribing the information required to be contained in a prospectus.

R.S.O. 1960,  
c. 344, s. 58,  
cl. g,  
re-enacted

- (2) Clause g of the said section 58 is repealed and the following substituted therefor:

(g) prescribing the requirements, qualifications, etc., for the granting or renewal of registration.

R.S.O. 1960,  
c. 344, s. 59,  
amended

27. Section 59 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent or" in the third line.

Commence-  
ment

- 28.—(1) This Act, except section 24, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 24 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

29. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1962-63*.

## CHAPTER 124

## An Act to amend The Registry Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Registry Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 348, s. 1,  
amended

(ea) "local description" means a description of land drawn in accordance with the regulations;

. . . . .

(ga) "prescribed" means prescribed by this Act or the regulations;

(gb) "registered" means registered under this Act;

(gc) "regulations" means the regulations made under this Act;

(gd) "surveyor" means an Ontario land surveyor authorized to practise under *The Surveyors Act*. R.S.O. 1960,  
c. 389

**2.** Section 5 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 348, s. 5,  
amended

(3) Notwithstanding subsection 1, where a county or district court house or administration building is outside the county or district town, the registry office for a registry division that includes the whole or part of the county or district town may, with the approval of the Lieutenant Governor in Council, be situated in the court house or administration building. Idem

**3.** Section 11 of *The Registry Act* is repealed. R.S.O. 1960,  
c. 348, s. 11,  
repealed

**4.** Section 13 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 13,  
re-enacted

Oath of  
office,  
registrar

13. Every registrar and deputy registrar, before he enters on the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Inspector.

R.S.O. 1960,  
c. 348, s. 14,  
subs. 3,  
repealed

5. Subsection 3 of section 14 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 17,  
re-enacted

6. Section 17 of *The Registry Act* is repealed and the following substituted therefor:

Abstracts

- 17.—(1) Upon receipt of a request therefor and the prescribed fees, a registrar shall furnish an abstract in the prescribed form in respect of any land that is in his registry division and,

(a) that consists of a lot as described in a patent from the Crown or a lot that appears on a registered plan; or

(b) that consists of an identifiable part of such a lot.

What not  
to be  
included

- (2) Unless the request for an abstract otherwise specifies, the registrar shall not include in the abstract,

(a) an extract of any instrument that has been marked off the abstract index pursuant to section 73; or

(b) an extract of any mortgage, certificate of *lis pendens* or claim for mechanics' lien that was registered before the 1st day of January, 1890, where an instrument purporting to discharge or vacate such a mortgage, certificate or claim was registered ten or more years before the date of the request; or

(c) an extract of any instrument dealing exclusively with a mortgage, certificate of *lis pendens* or claim for mechanics' lien mentioned in clause b.

Idem, on  
request

- (3) Where a request for an abstract so specifies, the registrar shall not include in the abstract,

(a) an extract of a mortgage or of any other instrument dealing exclusively with the mortgage where an instrument purporting to be a discharge of the mortgage has been registered; or

(b)



- (b) an extract of any instrument of any other class mentioned in the request.
- (4) Unless otherwise specified in the request for an <sup>Commence-</sup>abstract, the first instrument to be extracted for the abstract shall be,
- (a) the last conveyance registered next before the date forty years before the date of the request; or
- (b) where there is registered a certificate of title under *The Quieting Titles Act*, such certificate; <sup>R.S.O. 1960,</sup>  
or <sup>c. 340</sup>
- (c) where there is registered a certificate of title under *The Certification of Titles Act*, the first <sup>R.S.O. 1960,</sup>  
instrument registered after the effective date <sup>c. 48</sup> of the certificate.
- (5) Where no conveyance of the type mentioned in sub- <sup>Crown</sup>section 4 was registered after the grant of the land grant from the Crown, the first instrument to be extracted for the abstract shall be the Crown grant.
- (6) Except as provided in subsections 2 and 3, an <sup>Subsequent</sup>abstract shall include extracts of all instruments instruments affecting the land that were registered after the first instrument mentioned in subsection 4 or after the Crown grant mentioned in subsection 5 and that have been recorded in the abstract index for the land.
- 17a. Upon receipt of a request in writing and the pre- <sup>Production</sup>scribed fees, a registrar, of instru-  
ments, etc.,  
copies
- (a) shall produce for inspection in his office during office hours any instrument registered in his office or any book of the office relating to any such instrument; and
- (b) shall supply a copy of the whole or a part of any instrument registered in his office.

7.—(1) Subsection 2 of section 20 of *The Registry Act* is <sup>R.S.O. 1960,</sup>  
repealed. <sup>c. 348, s. 20,</sup>  
<sup>subs. 2,</sup>  
<sup>repealed</sup>

(2) Subsections 5 and 6 of the said section 20 are repealed <sup>R.S.O. 1960,</sup>  
and the following substituted therefor: <sup>c. 348, s. 20,</sup>  
<sup>subss. 5, 6,</sup>  
<sup>re-enacted</sup>

By-law  
index

- (5) The registrar shall keep a by-law index in which he shall enter the registration number of every by-law registered after the 1st day of January, 1963, the number of the by-law, the name of the municipality and the title of the by-law.

By-law to  
contain  
description  
of land,  
exception

- (5a) No by-law that directly affects the title to land shall be registered unless it contains a local description of the land affected.

Authentica-  
tion of  
by-laws

- (5b) A by-law of a municipality may be registered by the production of a duplicate original or a copy of the by-law certificated by the clerk of the municipality under its seal.

No entry of  
by-law in  
general  
register

- (6) No entry in respect of a by-law shall be made in the general register.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 8,  
re-enacted

- (3) Subsection 8 of the said section 20 is repealed and the following substituted therefor:

General  
register

- (8) The following instruments may be recorded in the general register:

1. Wills.
2. Letters probate.
3. Letters of administration.
4. General appointments of new trustees.
5. Certificates or copies of judgments or of court orders appointing or removing executors, administrators, guardians or trustees.
6. Powers of attorney.
7. Certificates or copies of orders made under *The Mental Incompetency Act*.
8. General certificates of payment of succession duties.
9. General bars of dower.
10. Sworn copies of licences in mortmain.
11. Sworn copies of certificates of amalgamation of loan or trust corporations.

R.S.O. 1960,  
c. 237

12. Sworn copies of letters patent changing names of corporations or amalgamating corporations.
13. Orders in Council or certified copies thereof.
14. Claims for lien under *The Mechanics' Lien Act* R.S.O. 1960, c. 233 against land that constitutes the line of railway or right of way of a railway company.
8. Sections 23 and 24 of *The Registry Act* are repealed. R.S.O. 1960, c. 348, ss. 23, 24, repealed
- 9.—(1) Subsection 1 of section 26 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 26, subs. 1, re-enacted
- (1) Where any book, from age or use, is becoming obliterated or unfit for further use, the Inspector may order it to be copied so far as it can be deciphered by examination thereof and of the original instruments or memorials relating thereto. When any book becomes unfit for further use, copy to be made
- (2) The said section 26 is amended by adding thereto the following subsection: R.S.O. 1960, c. 348, s. 26, amended
- (7) The Inspector may by order in writing determine the fee to be paid to the registrar for services performed under this section. Fee
10. Section 27 of *The Registry Act* is amended by striking out "sections 24 and" in the second line and inserting in lieu thereof "section", so that the section shall read as follows: R.S.O. 1960, c. 348, s. 27, amended
27. Subject to section 28, the fees and expenses for services rendered under section 26 shall be paid by the treasurer of the county, and a town separated from the county for municipal purposes and a city for which there is not a separate registry office shall pay to the county such equitable proportion thereof as the Inspector shall direct. Payment for services under s. 26
11. Subsection 1 of section 29 of *The Registry Act* is amended by striking out "(Form 3)" in the first line and inserting in lieu thereof "in the prescribed form" and by striking out "as defined" in the fourth line and inserting in lieu thereof "that appears", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 29, subs. 1, amended
- (1) The registrar, in a book in the prescribed form, called the "Abstract Index", shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or that appears on any registered plan of the subdivision of such land into smaller sections or lots. Abstract index of lots

R.S.O. 1960,  
c. 348, s. 30,  
re-enacted

**12.** Section 30 of *The Registry Act* is repealed and the following substituted therefor:

Alphabetical  
index

30. Subject to the regulations, the registrar shall keep an alphabetical index of names in the prescribed form and containing such information as is prescribed.

R.S.O. 1960,  
c. 348, s. 33,  
subss. 1, 2,  
re-enacted;  
subss. 3-6,  
repealed

**13.** Subsections 1, 2, 3, 4, 5 and 6 of section 33 of *The Registry Act* are repealed and the following substituted therefor:

Local  
description  
required

- (1) Except as provided by subsections 5a and 8 of section 20, an instrument that does not contain a local description of the land affected thereby shall not be registered unless the instrument is otherwise capable of registration and has securely attached to it a declaration in the prescribed form by a party to the instrument, or by his solicitor, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division and containing a local description.

Registration  
of declara-  
tion as to  
lands  
affected

- (2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in subsection 1.

R.S.O. 1960,  
c. 348, s. 34,  
subs. 1,  
re-enacted

**14.** Subsection 1 of section 34 of *The Registry Act* is repealed and the following substituted therefor:

Where  
affidavit  
of witness  
required

- (1) No instrument, except a will, a grant or lease from the Crown, an Order in Council, an instrument that purports to be executed by an officer of the Government of Ontario, a by-law or an instrument under the seal of a corporation, a certificate of judicial proceedings, a plan or a plan and description in respect of expropriated land, an instrument under section 3, 6 or 13 of *The Highway Improvement Act*, a consent under section 26 of *The Planning Act*, a copy of an instrument certified under section 43, or a sworn or notarial copy of an instrument where such copy may be registered, shall be registered unless accompanied by an affidavit in the prescribed form of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party who appears to have executed it.

R.S.O. 1960,  
cc. 171, 296



**15.** Section 35 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 35,  
re-enacted

35. An instrument not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person executing it in respect of a purchase or delivery of goods or in respect of an advance or loan of money, shall not be registered unless an affidavit in the prescribed form is made on or securely attached to the instrument. Affidavit of  
execution in  
case of  
instruments  
given in  
respect of  
purchase or  
delivery of  
goods

**16.** Section 40 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 40,  
re-enacted

40. Where an instrument that is otherwise capable of registration is not accompanied by an affidavit of execution as required by this Act, any person who is or claims to be interested in the registration of the instrument may make proof before a judge of any county or district court of the execution of the instrument, and, upon a certificate in the prescribed form being endorsed on the instrument and signed by the judge, the registrar shall register the instrument and certificate. Where  
affidavit  
of witness  
not  
required

**17.** Section 42 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 42,  
re-enacted

42.—(1) A judgment or order of a court or judge affecting land may be registered in the registry office of the registry division in which the land is situate by registering therein, Judgments  
and orders  
affecting  
land

(a) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order; or

(b) a copy of the judgment or order certified as such by the proper officer of the court.

(2) No judgment or final order of foreclosure of a mortgage shall be registered except by way of a certificate thereof, under the seal of the court, that includes a local description and a reference to the registration number of the mortgage. Number of  
mortgage to  
be included  
in certificate  
of  
foreclosure

**18.** Section 43 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 43,  
re-enacted

Registration  
of certified  
copies,  
powers of  
attorney,  
etc.

43. There may be registered,

- (a) a copy of an instrument certified under the hand and seal of the registrar, proper master of titles or clerk of a county or district court in whose office the instrument is registered; or
- (b) a copy of a power of attorney or other instrument executed by a corporation that confers upon any person authority to act for the corporation if the copy is certified by the proper officer of any department of the Government of Canada or Ontario in whose office the power of attorney or instrument is deposited.

R.S.O. 1960,  
c. 348, s. 48,  
re-enacted

19. Section 48 of *The Registry Act* is repealed and the following substituted therefor:

Mortgages  
not to be  
recorded  
in full

48.—(1) Notwithstanding section 47 and except as otherwise provided in subsections 2 and 3, it is not necessary to record in full in the registry book a registered mortgage that has endorsed upon it the words "Not to be recorded in full".

Entry in  
copy book

(2) Where a mortgage has been registered in a registry office for a registry division other than a registry division designated under section 32, the registrar shall cause to be entered in the registry book in its proper order the registration number and time of receipt which have been endorsed on the mortgage under section 54 and the words "Mortgage not recorded in full", the date and names of the parties to the mortgage, the amount secured, the rate of interest, the amount and dates of payment set out in the proviso for redemption, the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the mortgaged land, and the registrar shall also cause the mortgage to be recorded in the abstract index where the entry shall include the words "Not recorded in full".

Subsequent  
registry  
in full

(3) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full in the registry book or by means of photographic film reproduction.

(4) Any mortgage of land in a registry division designated under section 32 shall be completely recorded on photographic film where the mortgage is registered after the 1st day of January, 1963, or after such designation, whichever is the later. Recording mortgage on photographic film

(5) For the purposes of this section, a deed of trust and mortgage and any supplemental indenture shall be deemed to be a mortgage and to be endorsed "Not to be recorded in full". Bond mortgages

48a. Notwithstanding anything in this Act, it is not necessary to record an instrument in any registry book if the instrument is completely recorded on photographic film. Where recording in copy book, etc., not required

**20.** Subsection 1 of section 49 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 49, subs. 1, re-enacted

(1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration under section 43, is registered in the same registry office and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration, but, when the power of attorney or a certified copy thereof cannot be produced, proof may be made before a judge of any county or district court of the execution of the instrument, and, upon a certificate in the prescribed form being endorsed on the instrument and signed by the judge, the registrar shall, if the instrument is otherwise capable of registration, register the instrument and certificate. Registration of power of attorney when instrument executed by attorney

**21.** Section 50 of *The Registry Act* is amended by striking out "(Form 8)" in the third line and inserting in lieu thereof "in the prescribed form", so that the section shall read as follows: R.S.O. 1960, c. 348, s. 50, amended

50. Where an instrument in two or more original parts is registered, the registrar shall endorse upon each of the parts a certificate of the registration in the prescribed form, and any part so certified shall be received as *prima facie* evidence of the registration of the instrument and of the due execution of the same. Instrument in two or more parts

**22.** Sections 54 and 55 of *The Registry Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 348, ss. 54, 55, re-enacted



- Registration numbers 54.—(1) Except as provided by subsection 5, all instruments shall be numbered consecutively in order of time of being registered.
- Idem (2) Where two or more instruments affecting the same land are received at the same time, they shall, if capable of registration, be registered and numbered in the order requested by the person or persons from whom they are received.
- Time of receipt (3) The year, month, day, hour and minute at which an instrument is registered shall be endorsed thereon.
- Priorities, how established (4) For the purpose of section 77, priorities shall, subject to subsection 5, be determined in accordance with the respective registration numbers.
- Idem (5) A separate series of registration numbers shall be used for plans of subdivision and for any other class of instrument that may be approved by the Inspector, and, for the purposes of section 77, priorities between instruments registered in different number series shall be determined in accordance with the time of receipt endorsed thereon.
- Manner of registration 55.—(1) Upon registration of an instrument, the registrar,  
(a) shall cause to be endorsed upon it and upon the duplicate thereof, if any, received with it a certificate in the prescribed form; and  
(b) shall cause it to be recorded,  
(i) on photographic film or in the proper registry book, and  
(ii) in the proper abstract index, or in the general register index, or in the by-law index, and  
(iii) subject to the regulations, in the alphabetical index.
- Certificate proof of registration (2) A certificate endorsed upon an instrument or duplicate under clause *a* of subsection 1 is receivable by any court as proof of registration of the instrument.
- Custody of registered instruments (3) Every registered instrument is the property of the Crown and, subject to subsection 2 of section 19, section 74 and the regulations, shall be retained in the custody of the registrar in his office.
- Exception as to plans (4) Subclauses *i* and *iii* of clause *b* of subsection 1 do not apply in the case of a plan of subdivision or other registered plan.



**23.** Section 57 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 57,  
re-enacted

57.—(1) Where by any Act of Canada or Ontario an Order in Council or a certified copy thereof is required to be registered or deposited in a registry office, the Order or certified copy may be registered and recorded in the general register. Orders in  
Council

(2) Where an Order in Council or certified copy registered and recorded under subsection 1 contains a local description, it shall also be recorded in the abstract index. Idem

**24.**—(1) Subsection 6 of section 61 of *The Registry Act* is amended by striking out “section 43” in the fourth line and inserting in lieu thereof “subsection 1 of section 19”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 61,  
subs. 6,  
amended

(6) Where a notice of sale or a certificate of a judge under subsection 4 or 5 has been registered, the notice or certificate may be registered in any other registry office by depositing a copy thereof, certified in the manner provided by subsection 1 of section 19. Other  
registry  
offices

(2) Subsection 7 of the said section 61 is amended by striking out “pursuant to subsection 3 of section 48” in the sixth line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 61,  
subs. 7,  
amended

(7) No final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has been registered “not in full” shall be registered until the mortgage and any assignment thereof has been duly registered and copied or reproduced in full. When mort-  
gage to be  
recorded  
in full

**25.** Sections 62 and 63 of *The Registry Act* are repealed. R.S.O. 1960,  
c. 348,  
ss. 62, 63,  
repealed

**26.** Subsection 3 of section 64 of *The Registry Act* is amended by striking out “(Form 8)” in the second line and inserting in lieu thereof “in the prescribed form”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 64,  
subs. 3,  
amended

(3) The registrar shall also endorse upon the original instrument a certificate of the re-registration in the prescribed form. Endorse-  
ment

**27.** Subsection 1 of section 65 of *The Registry Act* is amended by striking out “(Form 10)” in the second line and inserting in lieu thereof “of discharge of mortgage in the prescribed form”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 65,  
subs. 1,  
amended

Discharge  
of mortgage

- (1) In the case of a registered mortgage, the registrar on receiving a certificate of discharge of mortgage in the prescribed form, executed by the mortgagee, his executors, administrators or assigns, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, and duly proven in the manner provided for the proof of other instruments, shall register the certificate, and record it and every affidavit attached to or endorsed on it, at full length in the proper order, in the registry book, and number it in like manner as other instruments are required to be registered, recorded and numbered.

R.S.O. 1960,  
c. 348, s. 71,  
subs. 2,  
amended

**28.** Subsection 2 of section 71 of *The Registry Act* is amended by striking out "(Form 11)" in the fourth line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows:

Form of  
certificate  
of discharge

- (2) After payment of the mortgage money or any part thereof, the sheriff, bailiff or other officer shall, at the request and expense of the person requiring it, give a certificate in the prescribed form under the hand and seal of office of the sheriff or other officer, or under the hand of the bailiff and the seal of the court of which he is bailiff.

R.S.O. 1960,  
c. 348, s. 72,  
amended

**29.** Section 72 of *The Registry Act* is amended by striking out "(Form 12)" in the fourth line and inserting in lieu thereof "in the prescribed form", so that the section shall read as follows:

Discharge  
of instru-  
ment given  
in relation  
to purchase  
of goods

72. Instruments of the nature mentioned in section 35 may be discharged, and the land affected thereby released therefrom, by depositing in the proper registry office a certificate of discharge in the prescribed form.

R.S.O. 1960,  
c. 348, s. 73,  
subs. 4,  
amended

**30.** Subsection 4 of section 73 of *The Registry Act* is amended by striking out "wherever a mechanics' lien registered since the 1st day of January, 1890, has been registered for two years and no certificate of action has been registered as required by *The Mechanics' Lien Act*, and" in the fourth, fifth, sixth and seventh lines, so that the subsection shall read as follows:

Mechanics'  
liens

- (4) Where a mechanics' lien registered since the 1st day of January, 1890, is purported to be discharged and the document purporting to be the discharge thereof has been registered for two or more years and

wherever

wherever a mechanics' lien has been so registered and a certificate of action has also been registered and the certificate of action has been vacated or discharged and the order or certificate of order vacating or discharging it has been registered for two or more years, the registrar shall, wherever such mechanics' lien or any assignment or discharge thereof, certificate of action, or order, or certificate of order vacating the same, appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same and the mechanics' lien is validly discharged and the certificate of action is duly vacated.

**31.** Subsections 4 and 5 of section 75 of *The Registry Act* are repealed.

R.S.O. 1960,  
c. 348, s. 75,  
subss. 4, 5,  
repealed

**32.** *The Registry Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 348,  
amended

75a.—(1) Where any provision of this Act requires or permits the registration of a sworn or notarial copy of an instrument, the instrument may be registered instead of a copy.

Sworn  
copies,  
notarial  
copies

(2) Where any provision of this Act permits the registration of a sworn copy of an instrument, a notarial copy of the instrument may be registered instead of a sworn copy.

Idem

(3) Where any provision of this Act permits the registration of a notarial copy of an instrument, a sworn copy of the instrument may be registered instead of a notarial copy.

Idem

**33.** Section 84 of *The Registry Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 348, s. 84,  
amended

(3) Where, after the registration of a plan of subdivision, instruments affecting land within the plan were registered that did not conform and refer thereto, the registrar shall, when he deems it necessary or when so directed by the Inspector, cause the instruments to be recorded in the proper abstract index in accordance with subsection 2, and, where the registrar is unable without the assistance of a surveyor to determine the lots affected by the instruments, he may, with the approval of the Inspector, engage a surveyor to assist in such determination.

Re-entry of  
instruments  
not referring  
to prior  
registered  
plan



R.S.O. 1960,  
c. 348, s. 85,  
re-enacted

**34.** Section 85 of *The Registry Act* is repealed and the following substituted therefor:

When  
instrument  
to be  
deemed  
registered

85. An instrument capable of and properly proved for registration and in respect of which the fees for registration have been paid shall be deemed to be registered when and so soon as it is delivered either personally or by mail to and received at his office during office hours by the registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made in the instrument.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 1,  
re-enacted

**35.—**(1) Subsection 1 of section 86 of *The Registry Act* is repealed and the following substituted therefor:

Registration  
of plan  
where land  
subdivided

(1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan that has not been registered, the person making the survey and subdivision shall register a plan prepared by a surveyor in accordance with the regulations.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 7, 9,  
repealed

(2) Subsections 7 and 9 of the said section 86 are repealed.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 17,  
re-enacted;  
subs. 18, 19,  
repealed

(3) Subsections 17, 18 and 19 of the said section 86 are repealed and the following substituted therefor:

Registrar  
not to file  
plans for  
anyone but  
owner nor  
without  
consent of  
mortgagees

(17) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, nor unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person and, except in the case of a corporation, every such signature is verified by affidavit, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

R.S.O. 1960,  
c. 348, s. 90,  
subs. 1,  
amended

**36.** Subsection 1 of section 90 of *The Registry Act* is amended by striking out "(Form 14)" in the sixth line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows:

When  
instruments  
not  
conforming  
to proper  
plan may be  
registered

(1) Where an instrument that does not conform and refer to the proper plan has been duly executed and any party thereto has died, or, where it would, in



the opinion of the registrar, be impossible or inconvenient to obtain a new instrument containing the proper description, the instrument may be registered if accompanied by an affidavit in the prescribed form annexed thereto or endorsed thereon.

**37.** Section 96 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 96,  
re-enacted

96.—(1) The Inspector may by a direction to be known as a “restraining order” designate any area of land as a subdivision plan area, and, after the registration of the direction, no instrument of a class mentioned in the direction affecting the land shall be registered, Designation  
of sub-  
division  
plan areas

(a) unless the land is described in accordance with and is within a registered plan of subdivision;

(b) unless the land described is more than ten acres in area and the unaffected remnant, if any, remaining in the owner is also ten acres or more; or

(c) unless the land described is the whole part remaining to the owner of the land described in a registered conveyance to him.

(2) The Inspector may in a direction under subsection 1 designate land that, although within a registered plan of subdivision, shall be deemed not to be within a registered plan of subdivision for the purposes of this section. Registered  
plans may  
be included

(3) A direction under this section, although registered, may be altered or withdrawn by direction of the Inspector, and such direction shall be registered and recorded in the abstract indexes of the lands affected thereby. Alteration  
and with-  
drawal of  
direction

(4) Before altering or withdrawing a direction to permit the registration of an instrument, the Inspector, Conditions

(a) may require the consent of the planning board or the Minister of Municipal Affairs to be endorsed on the instrument if the land is affected by a by-law under section 26 of *The Planning Act*; or

R.S.O. 1960,  
c. 296

(b) may require the land described in the instrument to be shown on a plan of survey attached to the instrument.

Order  
exempt  
under R.S.O.  
1960, c. 349

(5) A direction under this section is exempt from *The Regulations Act*.

R.S.O. 1960,  
c. 348,  
ss. 97, 98,  
repealed

**38.** Sections 97 and 98 of *The Registry Act* are repealed.

R.S.O. 1960,  
c. 348, s. 101,  
re-enacted;  
s. 102,  
repealed

**39.** Sections 101 and 102 of *The Registry Act* are repealed and the following substituted therefor:

Fees in  
cases not  
provided for

101.—(1) Where an Act requires or permits an instrument to be registered, deposited or filed in a registry office or requires a registrar to perform any service and no fees therefor are provided by this Act or the regulations or by any other Act of Ontario, the registrar, in the absence of any express provision requiring him to perform such services gratuitously, is entitled to such reasonable fees therefor as the Inspector may fix, to be paid by the person requiring the service to be performed.

Idem

(2) Where an Act provides a fee for registration but does not provide a fee for additional entries where the instrument embraces more than one lot or parcel, the Inspector may, subject to the regulations, fix the fee to be paid to the registrar in respect of each lot or parcel after the first.

R.S.O. 1960,  
c. 348, s. 107,  
re-enacted

**40.** Section 107 of *The Registry Act* is repealed and the following substituted therefor:

Record of  
fees, etc.

107.—(1) Every registrar shall keep a daily record of all fees and emoluments received by him in such form as is approved by the Inspector.

Annual  
return

(2) Every registrar shall make an annual return and transmit it to the Inspector on or before the 31st day of January of the year next following the year in respect of which it is made.

Form and  
content  
of return

(3) The registrar's annual return shall include such information as is required by the regulations and shall be in such form as is approved by the Inspector.

R.S.O. 1960,  
c. 348, s. 108,  
re-enacted

**41.** Section 108 of *The Registry Act* is repealed and the following substituted therefor:

Registrar  
to furnish  
municipality  
with list of  
convey-  
ances, etc.

108.—(1) Upon the request of the council of a municipality, the registrar shall furnish annually, semi-annually or monthly in accordance with the request a list of the deeds, grants, quit claim deeds, vesting orders, mortgages, leases and judgments or final

orders of foreclosure, or such of them as are specified in the request, that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such instrument, the names and addresses of the parties, the consideration and a short description of the land.

- (2) The registrar may, upon the request of the council of a municipality, furnish photographic or electrostatic copies of instruments or parts thereof instead of a list, in which case the registrar is entitled to such fee as is agreed upon by the registrar and the council and approved by the Inspector.

Photo-graphic or electrostatic copies

**42.** Section 109 of *The Registry Act* is amended by adding thereto the following subsections:

R.S.O. 1960, c. 348, s. 109, amended

- (4) Where the registrar's remuneration is fixed under subsection 3, he shall pay to the treasurer, in lieu of the percentages mentioned in subsection 2, the excess of his net income over such fixed remuneration, and, for the purpose of this Act, any reference to such percentages shall be deemed to be a reference to such excess.

Payment of surplus where remuneration fixed

- (5) Where a registrar is also local master of titles, his net income upon which the percentages are to be computed shall be his net income received from the combined offices.

Where registrar also local master

- (6) A registrar in a provisional judicial district shall pay monthly to the Treasurer of Ontario the excess of his gross income, including income earned by him as local master of titles, over the disbursements authorized under section 119 and shall forward every such payment to the Inspector, together with a monthly return in such form as is approved by the Inspector.

Registrars in the districts

**43.** Section 112 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, s. 112, repealed

**44.**—(1) Subsection 1 of section 113 of *The Registry Act* is amended by striking out "On the 15th day of January in each year" at the commencement thereof, so that the subsection shall read as follows:

R.S.O. 1960, c. 348, s. 113, subs. 1, amended

- (1) Every registrar shall transmit to the treasurer of the county or city for which, or for part of which, he is registrar a duplicate of the return required by section 107, and shall also pay to such treasurer for the use of the municipality the percentages required by this Act to be paid by him.

Surplus fees



R.S.O. 1960,  
c. 348, s. 113,  
amended

(2) The said section 113 is amended by adding thereto the following subsections:

When  
payment  
to be made

(3) The registrar shall transmit the duplicate of the return and pay 70 per cent of the percentages in accordance with subsections 1 and 2 on or before the 31st day of January in each year, and shall pay the balance when the Inspector notifies the registrar that his annual return has been audited and found to be correct or on the 31st day of March of the same year, whichever occurs first.

Application

(4) This section does not apply to a registrar in a provisional judicial district.

R.S.O. 1960,  
c. 348, s. 116,  
re-enacted

**45.** Section 116 of *The Registry Act* is repealed and the following substituted therefor:

Certain  
fees not  
within  
s. 109,  
subs. 2

116.—(1) In ascertaining the percentages payable under this Act, there shall not be included in the fees and emoluments any sum receivable from a municipality for the preparation of abstract indexes, or for work done under section 26, or subsection 5 of section 88, or section 108.

When  
subs. 1 does  
not apply

(2) Subsection 1 does not apply to a registrar whose remuneration is fixed under subsection 3 of section 109 unless the Inspector otherwise orders.

Saving,  
elections  
R.S.O. 1960,  
c. 118  
1960, c. 39  
(Can.)

(3) Nothing in this Act applies to fees or emoluments received on account of services under *The Election Act* or the *Canada Elections Act*.

R.S.O. 1960,  
c. 348, s. 118,  
repealed

**46.** Section 118 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348,  
amended

**47.** *The Registry Act* is amended by adding thereto the following section:

Assistant  
Inspector

124a. The Lieutenant Governor in Council may appoint a barrister or solicitor to be the Assistant Inspector of Legal Offices, and, in the absence of the Inspector or if the office of Inspector is vacant or if directed by the Inspector, the Assistant Inspector of Legal Offices has the powers and may perform the duties of the Inspector under this or any other Act.

R.S.O. 1960,  
c. 348, s. 126,  
re-enacted;  
s. 127,  
repealed

**48.** Section 126 and section 127, as amended by section 2 of *The Registry Amendment Act, 1961-62*, of *The Registry Act* are repealed and the following substituted therefor:



126.—(1) The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) describing the registry divisions;
- (b) prescribing the terms of employment of registrars, deputy registrars, clerks and other employees in registry offices;
- (c) for the management of registry offices, including the registers, plans, instruments and other books, documents and records to be kept and the method in which fees and other receipts of the office shall be collected, kept and accounted for;
- (d) prescribing the furnishing, equipment and accommodation to be provided in registry offices;
- (e) governing the custody and destruction of instruments and records in registry offices;
- (f) prescribing standards for surveys and plans of land to which this Act applies;
- (g) governing the method of describing land in instruments tendered for registration;
- (h) prescribing the minimum dimensions of instruments tendered for registration;
- (i) respecting the quality of writing and material used in instruments tendered for registration and in duplicates and copies required by this Act;
- (j) prescribing methods and standards of recording by photographic film and providing for the storage thereof;
- (k) governing the content of alphabetical indexes and dispensing therewith in any registry division;
- (l) prescribing the information to be included in annual returns of registrars;
- (m) requiring the payment of fees to registrars upon the performance of any official function under this Act and prescribing the amounts thereof;

(n)

- (n) prescribing forms and providing for their use;
- (o) prescribing anything that by this Act is required to be prescribed by the regulations;
- (p) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application  
of  
regulations

- (2) The application of any provision of the regulations made under subsection 1 may be limited to one or more registry divisions.

R.S.O. 1960,  
c. 348, s. 128,  
repealed

**49.** Section 128 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348,  
Forms,  
repealed

**50.** Forms 1 to 15 of *The Registry Act* are repealed.

1957, c. 107,  
s. 4, subs. 2,  
repealed

**51.** Subsection 2 of section 4 of *The Registry Amendment Act, 1957* is repealed.

Validity  
of prior  
registrations  
not  
affected

**52.** No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

When annual  
return to be  
made and  
surplus fees  
to be  
paid over

**53.** Section 107 of *The Registry Act*, as re-enacted by section 40 of this Act, and section 113 of *The Registry Act*, as amended by section 44 of this Act, apply in respect of income of the year 1963 and subsequent years.

Commence-  
ment

**54.—**(1) This Act, except as provided in subsections 2 and 3, shall be deemed to have come into force on the 1st day of January, 1963.

Idem

(2) Sections 17 and 23 come into force on the day this Act receives Royal Assent.

Idem

(3) Sections 3, 5, 6, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 26, 27, 28, 29, 35, 36, 41 and 50 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**55.** This Act may be cited as *The Registry Amendment Act, 1962-63*.

## CHAPTER 125

## An Act to amend The Representation Act

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Representation Act* is amended by striking out "ninety-eight" in the second line and inserting in lieu thereof "108", so that the section shall read as follows: R.S.O. 1960,  
c. 353, s. 2,  
amended

2. The Legislative Assembly of Ontario shall consist of 108 members. Number of  
members

2. The Schedule to *The Representation Act* is amended by striking out the following electoral districts: R.S.O. 1960,  
c. 353,  
Sched.,  
amended

The Electoral District of York Centre

The Electoral District of York East

The Electoral District of York-Humber

The Electoral District of York-Scarborough

The Electoral District of York South

The Electoral District of York West,

and by adding thereto the following electoral districts:

THE ELECTORAL DISTRICT OF ARMOURDALE—to consist of that portion of the Township of North York lying east of the centre line of Bathurst Street and west of the centre line of Yonge Street.

THE ELECTORAL DISTRICT OF DON MILLS—to consist of that portion of the Township of North York lying south of the centre line of Lawrence Avenue East and that portion of the Township of East York lying east of a line located as follows: Commencing at the intersection of the centre line of Woodbine Avenue with the south boundary of the Township of East York; thence northerly along the said centre line of Woodbine Avenue and its northerly production to the centre

line of Woodbine Heights; thence northerly along the said centre line of Woodbine Heights and its northerly production to the intersection with the north boundary of the Township of East York.

THE ELECTORAL DISTRICT OF DOWNSVIEW—to consist of that portion of the Township of North York lying east of the centre line of Keele Street and west of the centre line of Bathurst Street.

THE ELECTORAL DISTRICT OF ETOBICOKE—to consist of all that portion of the Township of Etobicoke lying north of the centre line of Richview Side Road and its easterly production to the centre line of the Humber River.

THE ELECTORAL DISTRICT OF FOREST HILL—to consist of the Village of Forest Hill and that portion of the Township of York lying east of the centre line of Dufferin Street.

THE ELECTORAL DISTRICT OF HUMBER—to consist of the Village of Swansea, the Town of Mimico and that portion of the Township of York lying south of a line located as follows: Commencing at the intersection of the centre line of Dundas Street West with the west boundary of the Township of York; thence easterly along the said centre line of Dundas Street West to the intersection with the centre line of Scarlett Road; thence northerly along the said centre line of Scarlett Road to the intersection with the centre line of St. Clair Avenue West; thence easterly along the said centre line of St. Clair Avenue West to the intersection with the east boundary of the Township of York, and that portion of the Township of Etobicoke lying east of and south of a line located as follows: Commencing at the northwest corner of the Town of Mimico; thence northerly along the northerly production of the west boundary of the Town of Mimico to the intersection with the centre line of the Queen Elizabeth Way; thence easterly along the said centre line of the Queen Elizabeth Way to the intersection with the centre line of Royal York Road; thence northerly along the said centre line of Royal York Road to the intersection with the westerly production of the centre line of Sunnydale Drive; thence easterly along the said westerly production and the centre line of Sunnydale Drive to the intersection with the centre line of Prince Edward Drive; thence northerly along the said centre line of Prince Edward Drive to the intersection with the centre line of Bloor Street West; thence easterly along the said centre line of Bloor Street West to the intersection with the easterly boundary of the Township of Etobicoke.

THE ELECTORAL DISTRICT OF LAKESHORE—to consist of all that portion of the Township of Etobicoke, Village of Long Branch, Town of New Toronto, described as follows: Commencing at the southeasterly corner of the Town of New Toronto; thence northerly along the easterly boundary and the boundary produced of the Town of New Toronto to the intersection with the centre line of the Queen Elizabeth Way; thence easterly along the said centre line to the intersection with the centre line of Royal York Road; thence northerly along the said centre line of Royal York Road to the intersection with the westerly production of the centre line of Sunnydale Drive; thence easterly along the said production of the centre line of Sunnydale Drive and the centre line of Sunnydale Drive to the intersection with the centre line of Prince Edward Drive; thence northerly along the centre line of Prince Edward Drive to the intersection with the centre line of Bloor Street West; thence westerly along the said centre line of Bloor Street West to its intersection with the centre line of the Canadian Pacific Railway right-of-way; thence southwesterly to the



centre line of the Etobicoke River; thence in a general southerly direction following the said centre line of the Etobicoke River to the waters of Lake Ontario; thence easterly along the waters of Lake Ontario to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH CENTRE—to consist of that portion of the Township of Scarborough lying south of the centre line of Lawrence Avenue East, west of the centre line of Markham Road and its southerly production to the waters of Lake Ontario, and east of a line located as follows: Commencing at the intersection of the centre line of Lawrence Avenue East with the centre line of Kennedy Road; thence southerly along the said centre line of Kennedy Road and its southerly production to the centre line of Triangle Villas Road; thence southerly along the said centre line of Triangle Villas Road and its southerly production to the centre line of Wynnview Court; thence southerly along the said centre line of Wynnview Court and its southerly production to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF SCARBOROUGH EAST—to consist of all that portion of the Township of Scarborough lying east of a line located as follows: Commencing at the intersection of the centre line of Markham Road with the north boundary of the Township of Scarborough; thence southerly along the said centre line to the centre line of the cut-off for Markham Road at Finch Avenue; thence southerly and southwesterly along the said centre line of the cut-off to the centre line of Markham Road; thence southerly along the said centre line of Markham Road and its southerly production to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF SCARBOROUGH NORTH—to consist of all that portion of the Township of Scarborough lying north of the centre line of Lawrence Avenue East and west of a line located as follows: Commencing at the intersection of the centre line of Markham Road with the north boundary of the Township of Scarborough; thence southerly along the said centre line of Markham Road to the intersection with the cut-off for Markham Road at Finch Avenue; thence southerly and southwesterly along the said centre line of the cut-off to the centre line of Markham Road; thence southerly along the said centre line of Markham Road to the intersection with the centre line of Lawrence Avenue East.

THE ELECTORAL DISTRICT OF SCARBOROUGH WEST—to consist of that portion of the Township of Scarborough lying south of the centre line of Lawrence Avenue East and west of a line located as follows: Commencing at the intersection of the centre line of Lawrence Avenue East with the centre line of Kennedy Road; thence southerly along the said centre line of Kennedy Road and its southerly production to the centre line of Triangle Villas Road; thence southerly along the said centre line of Triangle Villas Road and its southerly production to the centre line of Wynnview Court; thence southerly along the said centre line of Wynnview Court and its southerly production to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF YORK EAST—to consist of the Town of Leaside and that portion of the Township of East York lying west of a line located as follows: Commencing at the intersection of the centre line of Woodbine Avenue with the south boundary of the Township of East York; thence northerly along the said centre line of Woodbine Avenue and its northerly production to the centre line of Woodbine Heights; thence northerly along the said centre line of Woodbine Heights and its northerly production to the intersection with the north boundary of the Township of East York.

THE ELECTORAL DISTRICT OF YORK MILLS—to consist of that portion of the Township of North York lying east of the centre line of Yonge Street and north of the centre line of Lawrence Avenue East.

THE ELECTORAL DISTRICT OF YORK SOUTH—to consist of the Town of Weston, and that portion of the Township of York lying west of the centre line of Dufferin Street, and north of a line located as follows: Commencing at the intersection of the centre line of Dufferin Street with the south boundary of the Township of York; thence westerly and southerly along the said south boundary of the Township of York to the intersection with the centre line of St. Clair Avenue West; thence westerly along the said centre line of St. Clair Avenue West to the intersection with the centre line of Scarlett Road; thence southerly along the said centre line of Scarlett Road to the intersection with the centre line of Dundas Street West; thence westerly along the said centre line of Dundas Street West to the intersection with the west boundary of the Township of York.

THE ELECTORAL DISTRICT OF YORK WEST—to consist of all that portion of the Township of Etobicoke bounded on the north by the centre line of Richview Side Road and its easterly production to the east limit of the Township and bounded on the south by a line drawn as follows: Commencing at a point in the west limit of the Township where it is intersected by the centre line of the Canadian Pacific Railway right-of-way; thence northeasterly along the centre line of the said Railway right-of-way to its intersection with the centre line of Bloor Street West; thence easterly along the centre line of Bloor Street West to the east limit of the Township.

THE ELECTORAL DISTRICT OF YORKVIEW—to consist of that portion of the Township of North York lying west of the centre line of Keele Street.

Commence-  
ment

3. This Act comes into force and has effect from and after the dissolution or end of the present Legislature.

Short title

4. This Act may be cited as *The Representation Amendment Act, 1962-63*.

## CHAPTER 126

**An Act to amend  
The Research Foundation Act, 1944**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Research Foundation Act, 1944* is <sup>1944, c. 53,  
s. 4,  
amended</sup> amended by adding thereto the following subsections:

(3) A member of the Board when this Act comes into <sup>Present</sup> force who subsequently resigns may be re-appointed <sup>members, re-  
appointment</sup> for a term of one, two, three, four or five years.

(4) A member of the Board who is appointed for the <sup>Future</sup> first time after this Act comes into force shall hold <sup>members,  
term of  
office</sup> office for a term of five years.

2. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

3. This Act may be cited as *The Research Foundation* <sup>Short title</sup> *Amendment Act, 1962-63*.





## CHAPTER 127

**An Act to amend  
The Retail Sales Tax Act, 1960-61**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 1 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: <sup>1960-61,  
c. 91, s. 1,  
par. 8,  
re-enacted</sup>

8. "purchaser" means a consumer who acquires tangible personal property at a sale anywhere for his own consumption or use in Ontario, or for the consumption or use in Ontario of other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such property for consumption or use in Ontario by such principal or other persons at his expense.

(2) Paragraph 11 of the said section 1 is amended by adding thereto the following clause: <sup>1960-61,  
c. 91, s. 1,  
par. 11,  
amended</sup>

- (g) the production, fabrication, processing, printing or imprinting of tangible personal property by a person for his own consumption or use when that person furnishes either directly or indirectly the materials and labour used in such production, fabrication, processing, printing or imprinting.

2.—(1) Section 5 of *The Retail Sales Tax Act, 1960-61*, as amended by section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is further amended by striking out "The following classes of tangible personal property are exempt from the tax imposed by this Act" in the first and second lines and inserting in lieu thereof "The purchaser of the following classes of tangible personal property is exempt from the tax imposed by this Act", so that the section, exclusive of the paragraphs, shall read as follows:

## Exemptions

5. The purchaser of the following classes of tangible personal property is exempt from the tax imposed by this Act:

. . . . .

1960-61,  
c. 91, s. 5,  
par. 17,  
amended

- (2) Paragraph 17 of the said section 5 is amended by adding at the commencement thereof "paper twine", so that the paragraph shall read as follows:

17. paper twine, binder twine, baler twine, baler wire and barbed wire.

1960-61,  
c. 91, s. 5,  
par. 37  
(1961-62,  
c. 126, s. 3,  
subs. 4),  
amended

- (3) Paragraph 37 of the said section 5, as re-enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is further amended by adding at the end thereof "or that is established under *The Community Psychiatric Hospitals Act, 1960-61* or by a sanatorium as defined in *The Sanatoria for Consumptives Act*", so that the paragraph shall read as follows:

37. equipment, as defined by the Treasurer, purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under *The Public Hospitals Act* or that is established under *The Community Psychiatric Hospitals Act, 1960-61* or by a sanatorium as defined in *The Sanatoria for Consumptives Act*.

R.S.O. 1960,  
c. 322;  
1960-61,  
c. 9;  
R.S.O. 1960,  
c. 359

- (4) The said section 5 is further amended by adding thereto the following paragraph:

60. tangible personal property purchased at a price of less than 21 cents.

1960-61,  
c. 91, s. 5a  
(1961-62,  
c. 126, s. 4),  
subs. 2,  
amended

3. Subsection 2 of section 5a of *The Retail Sales Tax Act, 1960-61*, as enacted by section 4 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "or" in the fourth line and by inserting after "daughter-in-law" in the fourth line "father-in-law or mother-in-law", so that the subsection shall read as follows:

## Interpretation

- (2) In subsection 1, "member of his family" means the father, mother, husband, wife, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law or mother-in-law of the purchaser.

4.—(1) This Act, except subsection 4 of section 2, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Subsection 4 of section 2 shall be deemed to have come into force on the 8th day of February, 1963. <sup>Idem</sup>

5. This Act may be cited as *The Retail Sales Tax Amendment Act, 1962-63*. <sup>Short title</sup>





## CHAPTER 128

**An Act respecting  
Ryerson Polytechnical Institute**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,**Interpre-  
tation**

- (a) "Board" means The Board of Governors of Ryerson Polytechnical Institute;
- (b) "Institute" means Ryerson Polytechnical Institute;
- (c) "Minister" means the Minister of Education;
- (d) "Principal" means the Principal of Ryerson Polytechnical Institute;
- (e) "property" includes real and personal property.

**2.** The Ryerson Polytechnical Institute is hereby established, and the government, conduct, management and control of the Ryerson Institute of Technology established by Order in Council on the 16th day of September, 1948, are hereby transferred to the Board.

**Ryerson  
Poly-  
technical  
Institute  
established****3.** The objects and purposes of the Institute are,**Objects**

- (a) to provide courses of study in any branch of technology;
- (b) to provide courses of study in any branch of business or commerce;
- (c) to provide courses of study to be sponsored jointly with any department of the Provincial Government, with industry or commerce, or with other educational institutions.

Board  
established

4.—(1) There shall be a Board of Governors, which is hereby constituted a body corporate under the name "The Board of Governors of Ryerson Polytechnical Institute".

Composition

(2) The Board shall be composed of,

(a) the Minister or his representative;

(b) a representative of the University of Toronto appointed by its Board of Governors;

(c) a representative of the Association of Professional Engineers of the Province of Ontario appointed by its Council;

(d) the Principal; and

(e) nine persons who are residents of Ontario, appointed by the Lieutenant Governor in Council.

Term of  
office of  
members

(3) Of the first members appointed under clause *e* of subsection 2, one-third shall be appointed to hold office for two years, one-third for four years and one-third for six years, and thereafter members shall be appointed to hold office for six years, but each member shall continue to hold office until his successor is appointed.

Eligibility  
for re-  
appointment

(4) An appointed member of the Board is eligible for re-appointment.

Vacancy

(5) If a member of the Board appointed by the Lieutenant Governor in Council ceases to have his customary place of residence in Ontario, or through prolonged illness becomes incapable of acting as a member, he *ipso facto* vacates his office, and it is the duty of the Board by resolution to declare his office vacant.

Absence  
from  
meetings

(6) If within any calendar year a member of the Board appointed by the Lieutenant Governor in Council, not having been granted leave of absence by the Board, attends fewer than one-third of the meetings of the Board, he *ipso facto* vacates his office, and it is the duty of the Board by resolution to declare his office vacant.

Resolution

(7) A resolution passed under this section and entered in the minutes of the Board is conclusive evidence of the vacancy therein declared.

(8) When a vacancy on the Board occurs in the office of a member appointed by the Lieutenant Governor in Council before the term of office for which he was appointed expires, the vacancy shall be filled by the appointment by the Lieutenant Governor in Council of a successor who shall hold office for the remainder of the term. Filling vacancies

(9) Notwithstanding any vacancy on the Board, as long as one-third of the members appointed by the Lieutenant Governor in Council remain in office, the Board is competent to exercise all or any of its powers. Exercise of powers

(10) Five members of the Board constitute a quorum. Quorum

(11) The Board shall elect a chairman and a vice-chairman from among its members who were appointed by the Lieutenant Governor in Council. Chairman, vice-chairman

(12) In the absence or illness of the chairman, the vice-chairman shall act as and have all the powers of the chairman. Absence of chairman

(13) In the absence or illness of the chairman and the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all the powers of the chairman. Absence of chairman and vice-chairman

**5.—**(1) The Board by resolution may appoint committees and confer upon any of such committees authority to act for the Board with respect to any matter or classes of matters. Committees

(2) A majority of the members of every such committee shall be members of the Board. Majority to be Board members

(3) The Principal is a member of every such committee. Principal, member of committees

(4) No decision of a committee that includes in its membership persons who are not members of the Board is effective until approved and ratified by the Board. Decisions of committees

**6.** All real and personal property heretofore or hereafter granted, conveyed, devised or bequeathed to the Institute, or to any person in trust for the Institute or any of its divisions or departments, subject to any trust affecting such property, is vested in the Board. Property vested in Board

**7.** The government, conduct, management and control of the Institute and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties Management of Institute vested in Board

and

and achieve the objects of the Institute, including, without limiting the generality of the foregoing, power,

- (a) to make rules governing its procedures;
- (b) to appoint the Principal and define his duties and responsibilities;
- (c) upon the recommendation of the Principal,
  - (i) to appoint, promote, transfer or remove such members of the administrative staff, the teaching faculty and the maintenance staff as it deems necessary or advisable for the proper conduct of the affairs of the Institute, and to fix their salaries or remuneration and increments and to define their duties, qualifications and tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board,
  - (ii) to appoint officers and to prescribe their powers and duties and fix their salaries or remuneration and tenure of office or employment;
- (d) to provide for the establishment of faculty and any other staff organizations and to prescribe their duties and responsibilities;
- (e) to expend such sums as the Board may deem necessary for the support and maintenance of the Institute and for the betterment of existing buildings and the erection of such new buildings as the Board may deem necessary for the use and purposes of the Institute and for the furnishings and equipment of such existing and newly-erected buildings;
- (f) to expend such sums as the Board may deem necessary for the erection, equipment, furnishings and maintenance of residences and dining halls for the use of the students of the Institute, whether such students are graduates or under-graduates;
- (g) to acquire, hold and maintain such real property as the Board deems necessary for the use of the students of the Institute for athletic purposes and to erect and maintain such buildings and structures thereon as it deems necessary;

(h)



- (h) to provide such means for health service, health examination and physical instruction training for the students of the Institute as the Board deems necessary;
- (i) to provide for the retirement and superannuation of persons mentioned in clauses *b* and *c*;
- (j) to provide for payments by way of gratuities, retirement allowances, accumulative sick leave allowances, superannuation allowances, pensions, annuities or life insurance, or any combination thereof, payable to any representative or for the benefit of the persons mentioned in clauses *b* and *c*, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise;
- (k) to expend such sums as may be required for the purposes of funds that are established for the payment of gratuities, retirement allowances, pensions, life insurance, or health insurance, for the benefit of the persons mentioned in clause *j*;
- (l) to appoint by resolution a member or members of the Board, or any other person or persons, to execute on behalf of the Board either documents and other instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;
- (m) in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*,<sup>R.S.O. 1960, c. 191</sup> to purchase, acquire, take and hold by deed, grant, gift, bequest or devise, or otherwise, property for the purposes of the Institute without licence in mortmain, and to sell, grant, convey, mortgage, lease or otherwise dispose of such property, or any part thereof, and every person shall have the unrestricted right to deed, to devise and bequeath or to establish trusts for property, real and personal, for the purposes of the Institute;
- (n) without the consent of the owner, tenant or of any persons interested therein, except a municipal corporation, to enter upon, take, use and expropriate all such real property as the Board may deem necessary for the purposes of the Institute, making due compensation for such real property to the owners and occupiers thereof and all persons having

R.S.O. 1960,  
c. 249

any interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred by this clause, and, where any act is by any such provision required to be done by a clerk of a municipality or at the office of such clerk, the like act shall be done by the Principal or at the office of the Principal, as the case may be;

- (o) to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge as security for it any land or property vested in or held by the Board;
- (p) to invest funds of the Board not immediately required for its purposes and the proceeds of all property vested in or held by the Board, subject to the limitations imposed by any trust, in such investments as the Board may see fit;
- (q) after consultation with the Minister,
  - (i) to enter into an arrangement with any federal, provincial, municipal, local or other authority that may seem conducive to the objects of the Institute,
  - (ii) to establish a branch or branches of the Institute in suitable locations,
  - (iii) to enter into agreement with other educational institutions of higher learning, or with industry or commerce, to provide instruction or to give instruction,
  - (iv) to affiliate with or federate with other institutions of higher learning on such terms and for such periods of time as the Board may determine,
  - (v) to establish such new courses of instruction as the Board deems appropriate;
- (r) to fix fees to be paid by the students for instruction, laboratory work, examinations, certificates, diplomas and any ancillary activities;

- (s) to establish the length of the academic year, vacations for staff and for students and the hours of instruction;
- (t) to establish, solicit, collect and administer awards, bursaries, prizes and scholarships for students at the Institute;
- (u) to appoint advisory committees to advise the Board on curriculum development, equipment, placement of graduates, bursaries and scholarships, and such other matters as may affect the course or departments and the students enrolled therein.

**8.** The accounts of the Board shall be audited at least once <sup>Audit</sup> a year by an auditor or auditors appointed by the Board.

**9.—(1)** The Board, after the close of each academic year, <sup>Annual report</sup> shall file with the Minister an annual report in such form as the Minister may require.

(2) The Minister shall submit the report to the Lieutenant <sup>Tabling of report</sup> Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

**10.** *The Teachers' Superannuation Act* applies to the <sup>Super-annuation</sup> instructional staff of the Institute in the same manner as if <sup>R.S.O. 1960, c. 392</sup> the Institute were specified by name in subclause v of clause d of section 1 of that Act.

**11.** This Act comes into force on a day to be named by the <sup>Commence-ment</sup> Lieutenant Governor by his proclamation.

**12.** This Act may be cited as *The Ryerson Polytechnical* <sup>Short title</sup> *Institute Act, 1962-63.*





## CHAPTER 129

**An Act to amend  
The Schools Administration Act**

*Assented to (except secs. 3 and 4) April 3rd, 1963*

*Secs. 3 and 4 assented to April 26th, 1963*

*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 9 of *The Schools Administration Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 361, s. 9,  
subs. 4,  
re-enacted

- (4) A school attendance officer appointed by a high school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age who are resident pupils of the high school district or who are not resident pupils of a high school district but are or have been enrolled during the current school year in a secondary school operated by the board.

by high  
school board

2. Section 35 of *The Schools Administration Act* is amended by adding thereto the following paragraphs:

R.S.O. 1960,  
c. 361, s. 35,  
amended

31. provide, by contract with an insurer licensed under *The Insurance Act*, group accident insurance to indemnify a member of a board or of an advisory vocational committee appointed by a board or his estate against loss in case he is accidentally killed or injured while travelling on the business of the board or in the performance of his duties as a member of a board or of an advisory vocational committee either within or outside the area over which the board has jurisdiction;
32. upon obtaining the written approval of the licensed municipal auditor of the board, authorize the destruction of receipts, vouchers, instruments, rolls, documents, records and papers that are at least seven

group  
accident  
insurance  
R.S.O. 1960,  
c. 190

destruction  
of  
documents

years old as of the 1st day of January of the current year, except school registers, records of pupils' standings, minute books, annual financial reports, cash books, journals, ledgers, debenture registers, assessment rolls, tax collector's rolls, deeds, plans of buildings and other documents that the board considers of permanent value or historical interest.

R.S.O. 1960,  
c. 361,  
amended

**3.** *The Schools Administration Act* is amended by adding thereto the following section:

Grants to  
Ontario  
Curriculum  
Institute

**35a.** A board may make grants to the Ontario Curriculum Institute.

R.S.O. 1960,  
c. 361,  
amended

**4.** *The Schools Administration Act* is amended by adding thereto the following Part:

## PART X

### FINANCE

Current  
borrowings

**100.—(1)** Notwithstanding the provisions of any general or special Act, a board may by resolution authorize the chairman and secretary-treasurer to borrow from time to time from a chartered bank by way of a promissory note such sums as the board may deem necessary to meet the current expenditures of the board until the current revenue has been received.

For debt  
charges

**(2)** A board that has jurisdiction only in territory without municipal organization and a separate school board may also borrow, in the manner provided in subsection 1, such sums as the board may deem necessary to meet debt charges payable in any year until the current revenue has been received.

Limitation

**(3)** The amounts that may be borrowed at any one time for the purposes mentioned in subsections 1 and 2, together with the total of any similar borrowings that have not been repaid, shall not exceed the un-received or uncollected balance of the estimated current revenues of the board, as set forth in the estimates adopted for the year.

When  
limitation  
calculated  
on estimated  
revenue

**(4)** Until such estimates are adopted, the limitations upon borrowing prescribed in this section shall temporarily be calculated upon the estimated revenues of the board, as set forth in the estimates adopted for the next preceding year, less the amount of revenues of the current year already collected.

- (5) At the time, in any year, that any amount is borrowed under this section, the secretary-treasurer shall furnish to the bank a copy of the resolution authorizing the borrowing, unless he has previously done so, and as frequently as required by the bank, a statement showing the amount of the estimated revenues of the current year not yet collected or, where the estimates for the current year have not been adopted, a statement showing the amount of the estimated revenues of the board as set forth in the estimates adopted for the next preceding year and the amount of revenues of the current year already collected, and also showing the total of any amounts borrowed under this section in the current year that have not been repaid.

- (6) For the purposes of this section, estimated revenues do not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets.

5. This Act comes into force on the day it receives Royal Assent.

6. This Act may be cited as *The Schools Administration Amendment Act, 1962-63*.





CHAPTER 130

**An Act to amend The Secondary Schools  
and Boards of Education Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsections 1 and 3 of section 2 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 2, subss. 1, 3, re-enacted

(1) A continuation school that was established under subsection 1 of section 2 of this Act as it existed before this subsection came into force and that was being operated immediately before this subsection came into force is continued until dissolved in accordance with this Part. Continuation school established by one board, continued

. . . . .

(3) A continuation school that was established by an agreement entered into under subsection 3 of section 2 of this Act as it existed before this subsection came into force and that was being operated immediately before this subsection came into force is continued until dissolved in accordance with this Part. Continuation school established by two or more boards, continued

**2.** Section 5 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 5, amended

(7) Where a continuation school board has jurisdiction in a portion but not all of a township school area and in a portion but not all of an area under the jurisdiction of a combined separate school board, and the agreement that was entered into by the former elementary school boards is not renewed in any year by the trustees elected or appointed by either the public school ratepayers or the separate Reduction in district

school supporters or either group of trustees gives notice in writing to the secretary of the continuation school board before the 1st day of July in any year that it wishes to cancel the agreement, the portion of the continuation school district that it represents shall be detached as of the 31st day of December of that year, and the assets and liabilities shall be disposed of under subsection 2 of section 6, and the remaining portion of the district shall continue until altered or dissolved under this Part.

R.S.O. 1960,  
c. 362, s. 11,  
subs. 3,  
re-enacted

**3.** Subsection 3 of section 11 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Increasing  
district

- (3) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law provide that the whole or part of a municipality or municipalities adjoining the city or separated town, or adjoining the high school district of which the city or separated town forms a part, be added to the high school district of the city or separated town or to the high school district of which it forms a part, as the case may be.

R.S.O. 1960,  
c. 362, s. 16,  
subs. 2,  
re-enacted

**4.** Subsection 2 of section 16 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Idem

- (2) No by-law passed under subsection 3 of section 11 adding the whole or part of one or more municipalities adjoining a city or separated town, or adjoining the high school district of which the city or separated town forms a part, to the high school district of the city or separated town, or to the high school district of which the city or separated town forms a part, is effectual unless the council of the county or the councils of the counties, in which the municipality or municipalities comprising the high school district and the municipality or municipalities to be added to the high school district are situated, pass a by-law or by-laws under subsection 1 of section 12 or subsection 1 of section 13.

R.S.O. 1960,  
c. 362, s. 21,  
re-enacted

**5.** Section 21 of *The Secondary Schools and Boards of Education Act*, as amended by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Trustee,  
qualification

- 21.—(1) Subject to subsection 2, a person is qualified to be appointed as a trustee of a high school board,

(a)

- (a) who is a Canadian citizen;
  - (b) who is of the full age of twenty-one years;
  - (c) who is a resident in the high school district or within five miles of the boundaries thereof; and
  - (d) who is a ratepayer of the high school district.
- (2) A person is not qualified to be appointed as a trustee <sup>dis-</sup>qualification of a high school board,
- (a) who is a member of any other elementary or secondary school board or of the council or local board of a municipality or county all or part of which is included in the high school district, unless before his appointment he has filed his resignation with the secretary of the other board or with the clerk of the municipality or county, as the case may be;
  - (b) who is the clerk or treasurer of a municipality or county all or part of which is included in the high school district;
  - (c) who is otherwise disqualified under this or any other Act; or
  - (d) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of appointment, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of appointment.
- (3) A person is qualified to act as a trustee during the term for which he was appointed so long as he continues to have the qualifications mentioned in subsection 1 or 5, as the case may be, and does not become disqualified under clauses *a* to *d* of subsection 2. <sup>Qualification to act as trustee</sup>
- (4) The following persons shall be deemed ratepayers <sup>Persons deemed ratepayers</sup> under clause *d* of subsection 1:
- (a) a person whose name is entered on the last revised assessment roll;
  - (b)

- (b) the husband or wife of a person assessed as actual owner or tenant of land in the high school district for an amount sufficient to entitle him or her to vote at municipal elections;
- (c) the son or daughter of a person assessed as the owner of a farm in the high school district if he or she is resident on the farm with the assessed owner; and
- (d) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the high school district if he or she resides on the farm with the assessed owner.

County  
appointees

- (5) Notwithstanding clauses *c* and *d* of subsection 1, in the case of an appointment by a county council, any ratepayer of a municipality in the county who resides in the county and is otherwise qualified under this section is qualified to be appointed as a trustee by the county council.

Interpre-  
tation

- (6) For the purposes of this section, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof.

R.S.O. 1960,  
c. 362, s. 26,  
amended

**6.** Section 26 of *The Secondary Schools and Boards of Education Act*, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Where tax  
arrears  
procedures  
of R.S.O.  
1960, c. 98,  
in effect

- (11) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a high school district, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the high school district, and all the powers and duties of the sheriff in respect of arrears of taxes are vested in the treasurer of the board.

R.S.O. 1960,  
c. 362, s. 33,  
re-enacted

**7.** Section 33 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Payment  
to school  
boards

- 33.—(1) Where a municipality or county has raised money for the purposes of a high school board by

the



the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require.

- (2) Where debentures are issued by a municipality or county on behalf of a board, the expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board.

8. Clause *b* of section 49 of *The Secondary Schools and Boards of Education Act* is repealed.

Expenses  
re issuing  
debentures  
R.S.O. 1960,  
c. 362, s. 49,  
cl. *b*,  
repealed

9. Section 62 of *The Secondary Schools and Boards of Education Act* is repealed.

R.S.O. 1960,  
c. 362, s. 62,  
repealed

10. Section 66 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsections:

R.S.O. 1960,  
c. 362, s. 66,  
amended

- (3) A secondary school board may enter into an agreement with the Crown in right of Canada for a period not exceeding five years at any one time to provide accommodation and tuition for the maximum number of Indian pupils agreed upon at the gross cost per pupil, calculated in the manner provided in subsection 4 or 5 of section 69, as the case requires, except that,

Agreements  
re accom-  
modation  
for Indian  
pupils

(a) legislative grants shall not be deducted as provided in clause *c* of the said subsection 4; and

(b) the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province shall not be included as an expenditure under clause *a* of the said subsection 4.

- (4) A secondary school board may enter into an agreement with the Crown in right of Canada for a period not exceeding twenty years at any one time to

Idem

provide

provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and in such case the tuition fee shall be calculated as in subsection 3, except that capital expenditures shall not be included as an expenditure under clause *a* of subsection 4 of section 69.

R.S.O. 1960,  
c. 362, s. 68,  
subs. 3,  
cls. *b*, *c*,  
re-enacted

**11.** Clauses *b* and *c* of subsection 3 of section 68 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

- (*b*) to take, under the continuing programmes of study, a course of study leading to a type of secondary school graduation diploma that is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (*c*) to take, under the re-organized programmes of study, either the four-year or two-year programme of the business and commerce branch or of the science, technology and trades branch, or the diversified occupational programme if the programme is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (*ca*) to take, under the re-organized programmes of study, a course of study in either the four-year programme of the business and commerce branch or the four-year programme of the science, technology and trades branch, leading to a type of secondary school graduation diploma that is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (*cb*) to take, under the continuing programmes of study or the re-organized programmes of study, a special one-year course in business, commercial work, technical subjects, home economics or vocational art, leading to a secondary school graduation diploma in the special field if the course is not available in the county of which he is a county pupil or in the secondary school district in which he is resident.

R.S.O. 1960,  
c. 362, s. 69,  
amended

**12.** Section 69 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsection:

- (9) The portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed by Canada and the Province shall not be included as an expenditure or as a revenue under clauses *a* and *b* of subsection 4.
- Cost of schools under federal-provincial agreements

**13.**—(1) This Act, except sections 2, 5, 11 and 12, comes into force on the day it receives Royal Assent.

Commencement

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

(3) Sections 11 and 12 shall be deemed to have come into force on the 1st day of January, 1963.

Idem

(4) Section 5 comes into force on the 1st day of January, 1964.

Idem

**14.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1962-63*.

Short title





## CHAPTER 131

## An Act to amend The Securities Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The Securities Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 363, s. 1,  
amended

(da) “director” means the director of the Commission appointed under this Act;

(db) “individual” means a natural person, but does not include a trustee, partnership, unincorporated association, unincorporated organization, unincorporated syndicate, executor, administrator or other legal personal representative.

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 363, s. 1,  
cl. *f*,  
re-enacted

(f) “investment company” means any company, other than a company recognized by the Commission as a mining company or an industrial company, that the Commission in its discretion recognizes, determines and deems to be an investment company, and includes, without limiting such discretion, a company so recognized, determined and deemed whose principal business is the acquisition of or the investment in the securities of other companies, whether for the purpose of acquiring control or management of such companies or for the purpose of deriving revenue from such securities, and includes a company, other than an issuer, within the meaning of *The Investment Contracts Act*, that issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a like nature. R.S.O. 1960,  
c. 194

**2.** Subsection 2 of section 2 of *The Securities Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 363, s. 2,  
subs. 2,  
re-enacted

## Quorum

R.S.O. 1960,  
c. 363,  
ss. 3, 4,  
re-enacted;  
s. 5,  
repealed

- (2) Two members of the Commission constitute a quorum.

3. Sections 3, 4 and 5 of *The Securities Act* are repealed and the following substituted therefor:

## Securities Branch

3. There shall be a branch of the Department of the Attorney General, to be known as the Securities Branch, which shall consist of the Commission, the director, the registrar and such other officers, clerks, stenographers and employees as are appointed under *The Public Service Act, 1961-62*.

1961-62,  
c. 121

## Functions of director

4. The director may exercise the powers and shall perform the duties vested in or imposed upon him by this Act, and he may exercise the powers and shall perform the duties vested in or imposed upon the Commission by this Act or the regulations that are assigned to him by the Commission, except those mentioned in sections 21 to 27 and 29, and, subject to the direction of the Commission, he shall have control of the administration of the Securities Branch and the staff thereof.

R.S.O. 1960,  
c. 363, s. 6,  
subs. 2,  
amended

4.—(1) Subsection 2 of section 6 of *The Securities Act* is amended by inserting after “thereof” in the eighth line “who are designated by the director as trading officials”, so that the subsection shall read as follows:

Where  
separate  
registration  
of partners,  
officers and  
officials not  
required

- (2) Where a person or company is registered as a broker, investment dealer, broker-dealer, investment counsel or securities adviser, every partner or officer of such person or company may act as a broker, investment dealer, broker-dealer, investment counsel or securities adviser, as the case may be, on behalf of such person or company without separate registration, and, where a company is registered as a security issuer, the officials thereof who are designated by the director as trading officials may act on its behalf in connection with a trade in a security by such company without separate registration.

R.S.O. 1960,  
c. 363, s. 6,  
subs. 4,  
amended

(2) Subsection 4 of the said section 6 is amended by striking out “Commission” in the seventh line and inserting in lieu thereof “director”.

R.S.O. 1960,  
c. 363, s. 7,  
amended

5.—(1) Section 7 of *The Securities Act* is amended by striking out “Commission” in the first line and in the second and third lines and inserting in lieu thereof in each instance “director”.

R.S.O. 1960,  
c. 363, s. 7,  
amended

(2) The said section 7 is further amended by adding thereto the following subsection:

- (2) The director shall not refuse to grant or refuse to renew registration without giving the applicant an opportunity to be heard. Refusal of registration

6. Section 8 of *The Securities Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 363, s. 8, re-enacted

8. The director, after giving the registrant an opportunity to be heard, shall suspend or cancel any registration where in his opinion such action is in the public interest, but, where the granting of an opportunity to be heard would in his opinion be prejudicial to the public interest, he may suspend any registration without giving the registrant an opportunity to be heard, in which case he shall forthwith notify the registrant of the suspension and of a hearing and review to be held before the Commission within fifteen days of the date of the suspension, which hearing and review shall be deemed to be a hearing and review under section 29. Suspension, cancellation

7. Section 9 of *The Securities Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 363, s. 9, re-enacted

9. A further application for registration may be made upon new or other material or where it is clear that material circumstances have changed. Further application for registration

8. Section 12 of *The Securities Act* is amended by striking out "registrar may and" in the first line and inserting in lieu thereof "director" and by adding at the end thereof "by a person designated by the Commission", so that the section shall read as follows: R.S.O. 1960, c. 363, s. 12, amended

12. The director shall when so directed by the Commission require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require the applicant or the registered person or any partner, officer, director or employee of the registered person or company to submit to examination under oath by a person designated by the Commission. Further information

9.—(1) Subsection 1 of section 14 of *The Securities Act* is amended by striking out "Commission" in the second line and inserting in lieu thereof "director". R.S.O. 1960, c. 363, s. 14, subs. 1, amended

(2) Subsection 2 of the said section 14 is amended by striking out "Commission" in the third line and inserting in lieu thereof "director". R.S.O. 1960, c. 363, s. 14, subs. 2, amended



R.S.O. 1960,  
c. 363, s. 19,  
subs. 1,  
par. 3  
amended

**10.**—(1) Paragraph 3 of subsection 1 of section 19 of *The Securities Act* is amended by adding at the end thereof “or any other trade where one of the parties is a person (other than an individual) or a company recognized by the Commission as an exempt purchaser”, so that the paragraph shall read as follows:

Banks, loan,  
trust and  
insurance  
companies,  
public  
officers  
1953-54,  
c. 48 (Can.);  
R.S.C. 1952,  
c. 151;  
R.S.O. 1960,  
cc. 222, 190

3. A trade where one of the parties is a bank to which the *Bank Act* (Canada) applies, or the Industrial Development Bank incorporated under the *Industrial Development Bank Act* (Canada), or a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*, or is an officer or employee, in the performance of his duties as such, of Her Majesty in right of Canada or of any province or territory of Canada, or of any municipal corporation or public board or commission in Canada, or any other trade where one of the parties is a person (other than an individual) or a company recognized by the Commission as an exempt purchaser.

R.S.O. 1960,  
c. 363, s. 19,  
subs. 2,  
par. 1,  
re-enacted

(2) Paragraph 1 of subsection 2 of the said section 19 is repealed and the following substituted therefor:

Stock  
dividends,  
distribution  
of earnings,  
etc.

1. (i) Securities of its own issue that are distributed or issued by a company to the holders of its securities as a stock dividend or other distribution out of earnings or surplus,
- (ii) securities whether of its own issue or not that are distributed or issued by a company to the holders of its securities as incidental to a *bona fide* re-organization or winding-up of such company or distribution of its assets for the purpose of winding up its affairs, or
- (iii) the sale by a company to the holders of its securities of additional securities of its own issue if the company has given the Commission a written notice stating the date, amount, nature and conditions of the proposed sale (including the approximate net proceeds to be derived by the company on the basis of such additional securities being fully taken up and paid for) and either,
  - (a) the Commission has not informed the company in writing within ten days of the giving of such notice that it objects to the sale; or

(b)



- (b) information satisfactory to the Commission relating to the securities has been delivered to and accepted by the Commission,

provided that, with respect to any trade mentioned in subparagraph i or ii, no commission or other remuneration is paid or given to others in respect of such distribution or issuance except for ministerial or professional services or for services performed by a person or company registered for trading in securities under this Act in connection with a *bona fide* re-organization of the company.

(3) Paragraph 6 of subsection 2 of the said section 19 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 363, s. 19,  
subs. 2,  
par. 6,  
re-enacted

6. Negotiable promissory notes or commercial paper maturing not more than one year from the date of issue provided that each such note or commercial paper traded to an individual has a denomination or principal amount of not less than \$50,000.

Negotiable  
paper

(4) Subsection 3 of the said section 19 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 363, s. 19,  
subs. 3,  
re-enacted

- (3) Notwithstanding subsections 1 and 2, the Commission may, where in its opinion such action is in the public interest,

Exemptions

(a) order that subsection 1 shall not, with respect to such of the trades mentioned in that subsection as are specified in the order, apply to the person or company named in the order;

(b) order that subsection 2 shall not, with respect to such of the securities mentioned in that subsection as are specified in the order, apply to the person or company named in the order.

**11.**—(1) Section 21 of *The Securities Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 363, s. 21,  
amended

- (1a) The Commission may, with the consent of the Attorney General, by order appoint any person to make such investigation as it deems expedient for the due administration of this Act or into any matter relating to a trade in securities, and in such order shall determine and prescribe the scope of the investigation.

Idem

R.S.O. 1960,  
c. 363, s. 21,  
subs. 2,  
amended

(2) Subsection 2 of the said section 21 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "this section".

R.S.O. 1960,  
c. 363, s. 21,  
subs. 3,  
amended

(3) Subsection 3 of the said section 21 is amended by striking out "For the purposes of subsections 1 and 2, the person making the investigation" in the first and second lines and inserting in lieu thereof "The person making an investigation under this section", so that the subsection, exclusive of the clauses, shall read as follows:

Power to  
summon  
witnesses  
and require  
production

(3) The person making an investigation under this section has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, provided that,

. . . . .

R.S.O. 1960,  
c. 363, s. 21,  
subs. 3, cl. c,  
amended

(4) Clause c of subsection 3 of the said section 21 is amended by inserting after "client" in the fourth line "unless the client consents", so that the clause shall read as follows:

(c) no person shall refuse to answer any question upon any ground of privilege, provided that a solicitor shall not be required to disclose any communications between himself and his client unless the client consents; and

. . . . .

R.S.O. 1960,  
c. 363, s. 23,  
amended

**12.** Section 23 of *The Securities Act* is amended by striking out "an investigation" in the second line and inserting in lieu thereof "such investigation as he deems expedient for the due administration of this Act or", so that the section shall read as follows:

Investiga-  
tion under  
order of  
Attorney  
General

23. Notwithstanding section 21, the Attorney General may by order appoint any person to make such investigation as he deems expedient for the due administration of this Act or into any matter relating to a trade in securities, in which case the person so appointed, for the purposes of the investigation, has the same authority, powers, rights and privileges as a person appointed under section 21.

R.S.O. 1960,  
c. 363, s. 28,  
re-enacted

**13.** Section 28 of *The Securities Act* is repealed and the following substituted therefor:

28. A notice of every direction, decision, order or ruling of the director shall be served upon any person or company who in the opinion of the director is affected by the direction, decision, order or ruling at the address of such person or company appearing on the records of the Commission.
- Notice of direction, decision, etc.

**14.** Section 29 of *The Securities Act* is amended by adding thereto the following subsection:

R.S.O. 1960, c. 363, s. 29, amended

- (3a) Upon a review, any member of the Commission has and may exercise any of the powers that may be exercised by a person making an investigation under section 21.
- Power on review

**15.**—(1) Section 44 of *The Securities Act* is amended by striking out "Commission" in the first line, in the sixth line and in the first and second lines of clause *d* and inserting in lieu thereof in each instance "director".

R.S.O. 1960, c. 363, s. 44, amended

(2) The said section 44 is further amended by adding thereto the following subsection:

R.S.O. 1960, c. 363, s. 44, amended

- (2) The director shall not refuse to accept any filing under subsection 1 without giving the person or company who submitted the filing an opportunity to be heard.
- Refusal of filing

**16.** Section 45 of *The Securities Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 363, s. 45, re-enacted

45. Where the director decides not to accept for filing a prospectus submitted for filing under section 38, 39 or 40, as the case may be, sections 28 to 32 apply to such decision.
- Review and appeal

**17.** Subsection 1 of section 46 of *The Securities Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 363, s. 46, subs. 1, re-enacted

- (1) Where it appears to the director, subsequent to the filing of a prospectus or an amended prospectus under section 38, 39 or 40, as the case may be, and the issue of a receipt therefor, that any of the circumstances set out in section 44 exists, the director, after giving the persons and companies that would be entitled to notices under subsection 2 an opportunity to be heard, may order that all trading in the primary distribution to the public of the securities to which the prospectus relates shall cease.
- Order to cease trading

R.S.O. 1960,  
c. 363, s. 48,  
subs. 1,  
amended

**18.** Subsection 1 of section 48 of *The Securities Act* is amended by striking out "Commission" in the ninth line and inserting in lieu thereof "director".

R.S.O. 1960,  
c. 363, s. 54,  
subs. 3,  
amended

**19.** Subsection 3 of section 54 of *The Securities Act* is amended by striking out "Commission" in the third line and inserting in lieu thereof "director".

R.S.O. 1960,  
c. 363, s. 64,  
subs. 1, cl. c,  
amended

**20.** Clause *c* of subsection 1 of section 64 of *The Securities Act* is amended by inserting after "the" in the fourth line "director or the".

R.S.O. 1960,  
c. 363, s. 69,  
subs. 1,  
amended

**21.** Subsection 1 of section 69 of *The Securities Act* is amended by striking out "by the Commission" in the second line.

R.S.O. 1960,  
c. 363, s. 70,  
cl. a,  
amended

**22.** Clause *a* of section 70 of *The Securities Act* is amended by inserting after "the" in the seventh line "director or the".

R.S.O. 1960,  
c. 363, s. 71,  
cl. a,  
amended

**23.—**(1) Clause *a* of section 71 of *The Securities Act* is amended by adding thereto the following subclause:

(ia) the director.

R.S.O. 1960,  
c. 363, s. 71,  
cl. a,  
subcl. v,  
amended

(2) Subclause *v* of clause *a* of the said section 71 is amended by inserting after "Commission" in the second line "director or".

R.S.O. 1960,  
c. 363, s. 72,  
amended

**24.** Section 72 of *The Securities Act* is amended by adding thereto the following clause:

(na) prescribing the practice and procedure by which the Commission recognizes exempt purchasers under paragraph 3 of subsection 1 of section 19.

R.S.O. 1960,  
c. 363, s. 73,  
amended

**25.** Section 73 of *The Securities Act* is amended by inserting after "by" in the eleventh line "the director or".

Commence-  
ment

**26.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**27.** This Act may be cited as *The Securities Amendment Act, 1962-63*.



## CHAPTER 132

## An Act to amend The Separate Schools Act

*Assented to April 26th, 1963**Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Separate Schools Act* is amended by R.S.O. 1960, c. 368, s. 17, relettering clause *a* as clause *aa* and by adding thereto the amended following clauses:

(a) "combined separate school zone" means a union of two or more separate school zones;

. . . . .

(ba) "parcel of land" means a parcel of land that by *The Assessment Act* is required to be separately assessed; R.S.O. 1960, c. 23

. . . . .

(da) "rural separate school zone" means a separate school zone established under section 18 in a rural school section or under section 21 in territory without municipal organization;

. . . . .

(fa) "separate school zone" means the area in which property may be assessed to support a separate school or schools under the jurisdiction of one separate school board;

. . . . .

(h) "urban separate school zone" means a separate school zone established under section 18 in an urban municipality.

R.S.O. 1960,  
c. 368,  
amended

2. *The Separate Schools Act* is amended by adding thereto the following section:

Right to  
vote re-  
establish-  
ment of  
separate  
school

21b.—(1) A Roman Catholic who is a householder or freeholder and of the full age of twenty-one years and who desires to establish a separate school is entitled, in the year in which the separate school is established, to vote on any matter relating to such separate school if,

- (a) in the case of a township, he resides in the school section in which the separate school is being established; or
- (b) in the case of an urban municipality, he resides in the municipality; or
- (c) in the case of a separate school for a ward in an urban municipality, he resides in the ward; or
- (d) in the case of territory without municipal organization, he resides in territory without municipal organization and within three miles of the centre designated by the ten or more heads of families who call a meeting under subsection 1 of section 21.

Persons  
qualified  
to call  
meeting  
under s. 21

- (2) The persons who are entitled to vote under clause *d* of subsection 1 are the persons qualified to call a meeting under subsection 1 of section 21.

R.S.O. 1960,  
c. 368, s. 22,  
subs. 2,  
re-enacted

3.—(1) Subsection 2 of section 22 of *The Separate Schools Act* is repealed and the following substituted therefor:

Right of  
person to  
attend  
separate  
school

- (2) Every person who has attained the age of five years on or before the 31st day of December in any year and whose parent or guardian resides in a separate school zone and is a separate school supporter has the right to attend, after the 1st day of September in the following year, a separate school in that zone at the expense of the separate school board, except a person who, by reason of mental or physical defect, is unable to profit by instruction in the separate school or a person who has attained the age of twenty-one years.

R.S.O. 1960,  
c. 368, s. 22,  
subs. 11,  
amended

- (2) Subsection 11 of the said section 22 is amended by striking out "that is closest to and within three miles of the residence" in the ninth and tenth lines and inserting in lieu

thereof

thereof "zone in which he and his parent or guardian reside", so that the subsection shall read as follows:

- (11) Subject to subsection 2, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school zone in which he and his parent or guardian reside without the payment of a fee.

- (3) The said section 22 is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 368, s. 22,  
amended

- (13) Where a separate school pupil resides with his parent or guardian in one zone and his residence is nearer by road to a separate school in another zone, as certified by the inspector for the zone in which the pupil resides, the board of the other zone may admit the pupil for the current year if the inspector for that school certifies that there is sufficient accommodation for him, and, unless the board of the zone in which he resides furnishes transportation for him to a school in his zone, the board of the zone in which he resides shall pay to the other board the tuition fees charged on his behalf at a rate not in excess of the gross cost per pupil per day in the preceding year.

- (14) Where a parent or guardian wishes to enrol his child in a separate school in a zone other than the one in which the parent or guardian and the child reside, and the parent or guardian is assessed for separate school purposes in that zone,

(a) as an owner; or

(b) for business assessment; or

(c) as an owner and for business assessment,

for an amount at least equal to the total assessment for separate school purposes in that zone divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a

separate

separate school by the board of that zone without the payment of a fee.

Residents  
of non-  
assessable  
property

- (15) Where a child, whose parent or guardian is a Roman Catholic, resides with his parent or guardian on land that is exempt from taxation for school purposes, he shall be admitted to a separate school that is accessible to him and in which the inspector has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils.

R.S.O. 1960,  
c. 368, s. 26,  
amended

4. Section 26 of *The Separate Schools Act* is amended by adding thereto the following subsection:

Idem

- (2) A person who is a Roman Catholic and is the wife of a supporter of a rural separate school who is entitled to vote under subsection 1 is entitled to vote at the election of trustees of such school and on any question submitted to a meeting of the supporters, except a question involving the selection of a school site or an expenditure for a permanent improvement.

R.S.O. 1960,  
c. 368, s. 32,  
subs. 1  
(1961-62,  
c. 132, s. 4,  
subs. 1),  
amended

- 5.—(1) Subsection 1 of section 32 of *The Separate Schools Act*, as re-enacted by subsection 1 of section 4 of *The Separate Schools Amendment Act, 1961-62*, is amended by inserting after "schools" in the eighth line "who vote on the question", so that the subsection shall read as follows:

Formation  
of combined  
separate  
school

- (1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of uniting the school with one or more other separate schools to form a combined separate school, and, where the majority of the supporters of each of two or more separate schools who vote on the question vote in favour of union, the trustees of the board of each separate school to be united shall give notice, before the 1st day of August, to the Minister and the clerks of the municipalities in which the separate schools are situated, and the combined separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one school on the day of nomination for trustees of the combined separate school.



(2) Subsection 1a of the said section 32, as enacted by sub-<sup>R.S.O. 1960,</sup>  
 section 1 of section 4 of *The Separate Schools Amendment Act,*<sup>c. 368, s. 32,</sup>  
*1961-62,* is amended by inserting after "and" in the fifth line<sup>subs. 1a</sup>  
 "subject to subsection 6", so that the subsection shall read as<sup>(1961-62,</sup>  
 follows:<sup>c. 132, s. 4,</sup>  
<sup>subs. 1),</sup>  
<sup>amended</sup>

(1a) Where a combined separate school is formed or<sup>Trustees</sup>  
 where another separate school is added to or de-  
 tached from a combined separate school, the trustees  
 in office shall retire on the day of nomination for  
 trustees of the combined separate school, and,  
 subject to subsection 6, five trustees shall be elected  
 by the supporters of the newly-created or altered  
 combined separate school as provided in section 27.

(3) The said section 32 is amended by adding thereto the<sup>R.S.O. 1960,</sup>  
 following subsections:<sup>c. 368, s. 32,</sup>  
<sup>amended</sup>

(6) Where a combined separate school zone includes a<sup>Trustees in</sup>  
 former urban separate school zone, the board shall<sup>combined</sup>  
 be composed of the same number of trustees as the<sup>separate</sup>  
 urban separate school board would have had under<sup>school</sup>  
 section 35, and sections 35 and 36b apply *mutatis*  
*mutandis* to the trustees who shall be elected by<sup>including</sup>  
 general vote under section 27.<sup>urban zone</sup>

(7) A board of a combined separate school zone may,<sup>School sites</sup>  
 without the approval of the supporters, acquire a<sup>for a</sup>  
 school site in any school section in which a separate<sup>combined</sup>  
 school was formed and which became part of the<sup>board</sup>  
 combined separate school zone.

6. Subsection 2 of section 32a of *The Separate Schools Act,*<sup>R.S.O. 1960,</sup>  
 as enacted by section 5 of *The Separate Schools Amendment*<sup>c. 368, s. 32a</sup>  
*Act, 1961-62,* is repealed and the following substituted therefor:<sup>(1961-62,</sup>  
<sup>c. 132, s. 5),</sup>  
<sup>subs. 2,</sup>  
<sup>re-enacted</sup>

(2) The persons entitled to vote on the question are the<sup>Qualified</sup>  
 supporters of the combined separate school who<sup>voters for</sup>  
 reside closer to the centre in the portion of the<sup>detaching a</sup>  
 combined separate school zone that it is proposed<sup>separate</sup>  
 to detach than to any other centre.<sup>school from</sup>  
<sup>a combined</sup>  
<sup>separate</sup>  
<sup>school</sup>

7. Subsections 1 and 3 of section 47 of *The Separate Schools*<sup>R.S.O. 1960,</sup>  
*Act* are repealed and the following substituted therefor:<sup>c. 368, s. 47,</sup>  
<sup>subss. 1, 3,</sup>  
<sup>re-enacted</sup>

(1) Every person paying rates in a separate school zone<sup>Exemption</sup>  
 on property that he occupies as owner or tenant or<sup>of</sup>  
 on unoccupied property that he owns, who by him-<sup>supporters</sup>  
 self or his agent, on or before the 30th day of<sup>from public</sup>  
 September in any year, gives to the clerk of the<sup>school rates</sup>

municipality notice in writing that he is a Roman Catholic and that he wishes to be a separate school supporter, is exempt from the payment of all rates imposed on such property in the separate school zone for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property.

Who may be  
supporters  
of separate  
school

- (3) Any person who is a Roman Catholic and resident on a parcel of land that is within a separate school zone may be a separate school supporter in that zone.

Rights of  
non-residents  
to be  
assessed for  
separate  
school  
R.S.O. 1960,  
c. 23

- (3a) Any person who, if resident in a separate school zone, would be entitled to be a supporter of a separate school, on giving the notice provided in *The Assessment Act* that he is the owner of unoccupied land situate therein, may direct that all such land in the separate school zone shall be assessed for the purposes of the separate school.

R.S.O. 1960,  
c. 368,  
ss. 48, 49,  
re-enacted

8. Sections 48 and 49 of *The Separate Schools Act* are repealed and the following substituted therefor:

Boundaries  
of zones

- 48.—(1) The boundaries of separate school zones shall be determined in relation to their centres.

Centre of  
zones

- (2) Where a board operates a separate school, the centre of the separate school zone is the most northern corner astronomically of the site of the separate school provided that, where the most northern boundary of the site has a bearing of due west astronomically, the corner of the site at the western extremity of the most northern boundary is the centre.

Centres  
where two  
or more  
schools

- (3) Where a board operates two or more separate schools, there shall be a centre for each school.

Centre  
where  
board owns  
land but  
does not  
operate  
school

- (4) Where a board does not operate a school but owns one parcel of land, for the purpose of determining the centre of the separate school zone, the board shall be deemed to operate a school on such parcel of land.

Centre  
where board  
does not  
operate  
school or  
own site

- (5) Where a board does not operate a separate school or own a parcel of land, a parcel of land approved by the supporters for the purpose of determining the

centre

centre of the zone shall be deemed to be the site of a separate school for such purpose, and the board shall notify the Minister and the clerks of the municipalities concerned before the 30th day of September of the year in which the parcel was so approved.

- (6) The centres of a combined separate school zone are <sup>Centres of combined zone</sup> the centres determined in respect of each school site on which a school is operated and include the centre of each former zone that became part of the combined separate school zone and in which a separate school is not operated.
- (7) Subject to section 49, every parcel of land that is <sup>Rural and combined separate school zones</sup> wholly or partly within a radius of three miles from a centre of a separate school zone is within the zone.
- (8) Subject to section 49, where a separate school board <sup>Urban separate school zone</sup> is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is outside the boundary of the urban municipality but within a radius of three miles from a centre in the urban municipality.
- (9) Where a separate school board has heretofore been <sup>In wards</sup> established for a ward in a municipality, the board is continued until dissolved under this Act, and the separate school zone under the jurisdiction of the board includes any parcel of land within the ward.
- (10) A separate school zone, except a combined separate <sup>Zones not to include organized and unorganized territory</sup> school zone, shall not include land in a municipality as well as land in territory without municipal organization.
- (11) For each separate school zone that includes part or <sup>Separate school inspector to prepare maps and descriptions of zones</sup> all of a township or territory without municipal organization, the separate school inspector designated by the Minister shall,
- (a) prepare maps of each township in which part or all of a separate school zone is located showing the boundary of each separate school zone therein or partly therein;
- (b) describe each zone by indicating the name of the board, the centres in the zone, and the municipalities wholly or partly within the zone;

(c)



- (c) where the boundary of a zone is altered, prepare a revised map and description;
- (d) sign and date the original maps and description of each zone and retain them on file; and
- (e) furnish,
  - (i) to each separate school board, a map or description of its zone,
  - (ii) to the township clerk, a map showing the zone boundaries within the township and a description of each zone, and
  - (iii) to each public school inspector, a description of each separate school zone within his inspectorate.

Arbitrate  
assets and  
liabilities

- (12) When a separate school zone is established and the boundary of an adjoining separate school zone is thereby altered, the boards concerned shall, in the manner provided in section 34, appoint arbitrators who shall determine the assets and liabilities of the boards and the amounts, if any, that shall be paid by one board to the other board, and the award of the arbitrators is final and binding.

Rates in  
unorganized  
territory  
in combined  
zone

- (13) Where a combined separate school zone includes a former zone in territory without municipal organization and a former zone in a municipality, the combined separate school board is responsible for the assessing of property and levying and collecting rates for separate schools in the territory without municipal organization.

Boundaries  
where urban  
municipality  
and rural  
zone overlap

- 49.—(1) Where a rural separate school zone would otherwise overlap an urban municipality in which a separate school has been established, the boundary of the urban municipality is the boundary between the zones.

Boundaries  
where rural  
zones  
overlap

- (2) Where two or more rural separate school zones would otherwise overlap, the boundaries of the zones shall be determined by a separate school inspector designated by the Minister.

Boundaries  
to be  
continuous

- (3) Subject to subsection 1, the boundary between two or more separate school zones that would otherwise overlap shall follow a continuous line so that each

parcel



parcel of land shall be part of the zone of which the centre is nearer to the parcel than any other centre.

- (4) A separate school board or a separate school supporter affected by the determination of the inspector under subsection 2 may appeal the determination to the county judge before the 1st day of July following the determination. <sup>Appeal</sup>
- (5) Where a change in the boundary of a separate school zone under this section results in the transfer of a parcel of land from one zone to another zone, the taxes levied and collected for separate school support in respect of such parcel of land, in the year following the determination by the inspector or judge, shall be paid to the separate school board of the zone to which the parcel of land is transferred. <sup>Effect of change in boundaries</sup>

49a.—(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of discontinuing the separate school board, and, where the majority of the supporters vote in favour of discontinuing and fewer than five supporters vote in opposition, the board shall within thirty days notify the Minister, the separate school inspector, the clerk of each municipality concerned and the public school inspector for any school board that may be affected thereby, and, for assessment purposes, the zone shall be discontinued on the 30th day of September following the meeting. <sup>Discontinuing board by a vote of the supporters</sup>

- (2) A separate school board is discontinued on the 31st day of December in any year, <sup>Other conditions under which a separate school board is discontinued</sup>
- (a) if, before the 30th day of September in the year in which the board is established, the board fails to secure the approval of the supporters for a parcel of land for a site of a schoolhouse or for a centre of its zone; or
- (b) if, for any school term after the year in which the board was established, the board,
- (i) fails to operate a school, or
- (ii) fails to make an agreement with another separate school board for the education of its pupils and fails to

provide

R.S.O. 1960,  
c. 361

provide transportation for the pupils who would otherwise be excused from attendance under clause *e* of subsection 2 of section 6 of *The Schools Administration Act*; or

- (c) if no one is assessed as a supporter in the separate school zone on the assessment roll on which taxes are to be levied in the following year; or
- (d) if the supporters fail to elect the required number of trustees in two successive annual or biennial elections, as the case may be.

Inspector to  
notify  
Minister,  
etc.

- (3) When a board is discontinued under subsection 2, the separate school inspector shall forthwith notify the Minister, the separate school board concerned, the clerks of the municipalities concerned and the public school inspectors of the school boards affected thereby.

Settling  
accounts

- (4) The trustees who are in office in the year in which the board is discontinued under this section shall remain in office for the purpose of settling the accounts and outstanding debts of the board and, following an audit by a person licensed by the Department of Municipal Affairs as a municipal auditor, shall forward the balance of its funds to the Minister for deposit in the Consolidated Revenue Fund for sakekeeping.

Records

- (5) The records of a board that has been discontinued under this section shall be filed in the office of the separate school inspector.

Revision of  
boundaries

- (6) The separate school inspector shall revise the boundaries of the zones that are altered as a result of discontinuing a separate school board.

Sale of  
real  
property

- (7) Where a board that has been discontinued fails to dispose of its real property in the year in which it was discontinued and the separate school inspector is notified that an offer to purchase the real property has been made, the inspector shall cause notices to be posted to call a meeting of the persons who were supporters in the year in which the board was discontinued to elect three persons who, when elected, are a board for the purpose of selling the property.

- (8) When the board has sold the real property, it shall, after paying any outstanding debts, forward the balance of the money received from the sale to the Minister for deposit in the Consolidated Revenue Fund for safekeeping. Deposit of funds from sale

- (9) A separate school board that has been discontinued in any year may, in any subsequent year, be re-established in the school section in which the separate school was established in the manner provided in sections 18 to 20 or section 21, and the funds that were deposited by the board that was discontinued shall be returned to the board. Re-establishing a board

9. Section 50 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 50, re-enacted

50. When a supporter of a separate school in an urban municipality resides outside the municipality, he is entitled to vote in the ward or polling subdivision in which the separate school nearest to his residence is situate. Where person residing out of urban municipality to vote

10. Section 52 of *The Separate Schools Act* is repealed. R.S.O. 1960, c. 368, s. 52, repealed

11. Subsection 4 of section 58 of *The Separate Schools Act* is amended by adding at the end thereof "except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 58, subs. 4, amended

- (4) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly. Effect of notice

12. Section 59b of *The Separate Schools Act*, as enacted by section 9 of *The Separate Schools Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 59b, (1961-62, c. 132, s. 9), re-enacted

- 59b.—(1) Where a separate school zone includes territory in two or more municipalities, the board shall, when it is setting the rates to be levied in any year, use an equalizing factor for each municipality in the zone Determining school rates by equalizing factor

which,

which, when applied to the local assessment of properties in a municipality, would increase or decrease the local assessment on such properties to a sum equal to the local assessment on similar properties in the municipality in which the greatest number of its pupils reside.

Adoption of  
rate

- (2) The board shall adopt a tax rate to be levied in the municipality in which the greatest number of its pupils reside and multiply that rate by the factor determined for each municipality in the zone, and the resulting rates calculated to the nearest tenth of a mill shall be the rates in the respective municipalities for separate school purposes in the zone.

Arbitrators,  
appoint-  
ment

- (3) For the purpose of determining the factors, the board shall appoint three arbitrators who are not trustees who shall meet and determine the factors.

Meeting

- (4) The secretary of the board shall call the meeting of the arbitrators.

Determina-  
tion of  
factors

- (5) The arbitrators shall base their decision on a comparison of the local assessment on sample properties that are assessed to the support of the separate schools in the municipality in which the greatest number of its pupils reside with the local assessment on similar properties in the other municipalities in which any part of the separate school zone is situated, and the factors so determined shall be used by the board when it sets its rates at any time following the decision of the arbitrators and until the factors are altered by arbitration.

When  
factors  
to be  
determined

- (6) The factors shall be determined,
  - (a) in the year in which the separate school is formed;
  - (b) in any year that is divisible evenly by 5;
  - (c) in any year in which the basis of assessing has been changed in any of the municipalities in which part of the separate school zone is situated; and
  - (d) in any year if the board so directs.

Appeal to  
board

- (7) Five supporters of the separate school in the separate school zone or the majority of the supporters who reside in one municipality in the zone may, on or

before



before the 1st day of November in any year, appeal to the board against the last determination of the factors, and the decision of the board is final.

- (8) The factors determined in any year shall be used <sup>Use of factors</sup> for the purposes of taxation in the following and subsequent years until the year following the next determination of the factors.

- (9) The cost of the arbitration shall be paid by the <sup>Cost of arbitration</sup> separate school board.

- (10) Where an apportionment of the annual sum to be <sup>Apportionments made in 1962 and determination of factors in 1963</sup> raised for the purposes of a separate school was made under the predecessor of this section, the apportionment shall continue in force and effect until the year next following the year in which it is necessary under this section to determine the factors for the purpose of rates to be levied for the separate school, and, in other cases, the factors shall be determined in the year 1963 for the purposes of taxation in the year 1964.

**13.** Section 63 of *The Separate Schools Act* is repealed.

R.S.O. 1960, c. 368, s. 63, repealed

**14.** Subsection 1 of section 66 of *The Separate Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 368, s. 66, subs. 1, re-enacted

- (1) The board of a separate school may pass by-laws for borrowing money, by mortgages or other instruments, upon the security of the school house property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes, and any rate-payer, who was a separate school supporter in the separate school zone at the time when the loan was effected on the security of the property or rates or who became a supporter during the term of the loan, shall, while resident within the separate school zone, continue to be liable for the rate to be levied for the repayment of the money so secured.

Borrowing powers of separate school trustees

**15.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**16.** This Act may be cited as *The Separate Schools Amend-* <sup>Short title</sup> *ment Act, 1962-63.*



## CHAPTER 133

**An Act to authorize the Province of Ontario to Collect and Exchange Statistical Information**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) "person", in addition to its meaning in *The Interpretation Act*, includes a municipality as defined in *The Department of Municipal Affairs Act*; R.S.O. 1960, cc. 191, 98
- (b) "statistical information" means information relative to the economic, financial, industrial, commercial, social and general activities and condition of persons, whether such information is collected by means of sampling or any other statistical method.

**2.—(1)** Subject to subsections 3 and 4, the Lieutenant Governor in Council may authorize the minister of any department of government, Statistical  
procedures  
authorized

- (a) to enter into an agreement with the Government of Canada or the government of any province in Canada or any agency of any such government to provide for an exchange or joint collection of statistical information;
- (b) to collect, compile, analyse and publish statistical information;
- (c) to collect statistical information jointly with the minister of any other department of government.

(2) Every authorization given under clause *b* or *c* of subsection 1 shall have attached thereto a questionnaire setting out the questions that are proposed to be asked, the persons or class of persons to whom the questionnaire is directed and the time within which such persons will be required to answer the questions and return the questionnaire. Question-  
naires

## Agreements

(3) Every agreement and every authorization proposed under this section shall be in writing and filed with the Minister of Economics and Development before submission to the Lieutenant Governor in Council.

## Report

(4) The Minister of Economics and Development shall submit a report to the Lieutenant Governor in Council on every agreement and every authorization proposed under this section.

## Questions to be answered

3. The questions in any questionnaire authorized under this Act shall be accurately and truthfully answered by each person to whom the questionnaire is directed and shall be returned to the minister who issued it.

## Oath of office and secrecy

4.—(1) No person shall collect, compile, analyse or publish statistical information under this Act until he takes and subscribes before his minister, his deputy minister, or a person designated in writing by either of them, an oath of office and secrecy in the following form:

I, ....., do swear that I will faithfully discharge my duties under *The Statistics Act, 1962-63* and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my duties under *The Statistics Act, 1962-63*. So help me God.

## No unauthorized disclosure

(2) Subject to section 6, no public servant having knowledge of the answers to questions asked in a questionnaire under this Act shall disclose or give to any person any information or document with respect to such answers without the written permission of his minister, and, except where statistical information is collected jointly under this Act, such permission shall be limited to the disclosing or giving of information or documents to public servants in the minister's department or in prosecutions instituted for offences against this Act.

## Answers to be confidential

(3) Notwithstanding anything in this Act, no minister or public servant shall, in any way, use the answers to questions asked in a questionnaire authorized under this Act for any purpose other than the purposes of this Act.

## No personal liability

(4) No person who collects, compiles, analyses or publishes statistical information under this Act is personally liable for anything done by him under the authority of this Act.

## No discrimination

5.—(1) No person, when acting under the authority of this Act, shall discriminate between persons to the prejudice of any person.

## Sampling permitted

(2) Nothing in this section prohibits the collection of statistical information by means of sampling.



6.—(1) Where a person who has answered a question in a questionnaire consents in writing, a minister may give permission to a public servant in his department who has knowledge of the answer to disclose or give the answer to one or more public servants in another department.

(2) Subsection 1 does not apply to an index or list, whether released separately or in a report, summary of statistics or other publication under this Act, of answers to the questions in a questionnaire revealing only,

- (a) the names and locations of individual firms or businesses; or
- (b) the types of products commercially produced, manufactured or dealt with by individual firms or businesses,

but no such list or index shall otherwise disclose any of the answers given to the questions in a questionnaire.

7. Any person who,

- (a) being required under the authority of this Act to answer any question in a questionnaire and to return it to the minister who issued it, fails to answer, without lawful excuse, any such question or to return the questionnaire within the time prescribed; or

- (b) wilfully gives a false answer to any such question,

is, for every day of such failure or for every false answer, guilty of an offence and on summary conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than three months, or to both fine and imprisonment.

8. Any person who,

- (a) in the pretended performance of his duties under this Act, obtains or seeks to obtain information that he is not duly authorized to obtain; or
- (b) discloses or gives any information or document to any person in contravention of subsection 2 of section 4,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$300 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.

Offences:  
affecting  
market  
value;  
speculating

**9.** Any person who,

- (a) discloses or gives any information or document respecting an answer to a question in a questionnaire authorized under this Act to any person with the intent that the market value of a product is thereby affected; or
- (b) uses an answer in any such questionnaire for the purpose of speculating in a product,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than five years, or to both fine and imprisonment.

Regulations

**10.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the manner in which information shall be collected, compiled, analysed or published under this Act;
- (b) prescribing forms and providing for their use;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Statistics Act, 1962-63*.

## CHAPTER 134

## An Act to amend The Statute Labour Act

*Assented to April 26th, 1963**Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 23 of *The Statute Labour Act* is <sup>R.S.O. 1960, c. 382, s. 23, subs. 1, amended</sup> amended by striking out "five per cent" in the sixth and seventh lines and inserting in lieu thereof "any", so that the subsection shall read as follows:

- (1) The commissioners have power to open road allow-<sup>Powers of road com- missioners as to opening roads</sup>ances when they have been laid down in the original surveys, and, where such road allowances are either wholly or partly impracticable, to lay out roads in lieu thereof and direct the performance of statute labour thereon, and, where no road allowances are laid down in the original surveys, but any of the area is reserved for roads, the commissioners may lay out roads where necessary and direct the performance of statute labour accordingly.

2. This Act comes into force on the day it receives Royal <sup>Commence- ment</sup> Assent.

3. This Act may be cited as *The Statute Labour Amendment* <sup>Short title</sup> *Act, 1962-63.*





## CHAPTER 135

## An Act to amend The Succession Duty Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Succession Duty Act* is amended by adding thereto the following subclause: R.S.O. 1960,  
c. 386, s. 1,  
cl. *f*,  
amended

- (iiiia) any issuing of, or any agreement to issue, shares out of treasury, during the lifetime of the deceased, of any company in which the interest of the deceased or his agent or nominee was at the time of issuing or agreement, alone or added to that of any member of the family of the deceased, more than 50 per cent, directly or indirectly, of the whole, or shares out of treasury of any company in which the interest of any such first-mentioned company was more than 50 per cent, directly or indirectly, of the whole.

2. Clause *h* of section 4 of *The Succession Duty Act* is amended by striking out "or" at the end of subclause ii and by adding thereto the following subclauses: R.S.O. 1960,  
c. 386, s. 4,  
cl. *h*,  
amended

- (iv) any interest of the deceased in any pension fund, plan or scheme of general application to employees of whom the deceased was one,
- (v) any money or other property payable or transferable as a result of the death of the deceased out of any pension fund, plan or scheme of general application to employees of whom the deceased was one, or
- (vi) any interest by way of annuity or otherwise accruing or arising on the death of the deceased under any pension fund, plan or scheme of general application to employees of whom the deceased was one.

3.—(1) Section 7 of *The Succession Duty Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 386, s. 7,  
amended

Reduction  
in  
dependant's  
duty

(2a) The duty levied on property passing on the death of the deceased to or for the benefit of a dependant and on him shall be reduced by an amount equal to the amount obtained by dividing the product of,

(a) the sum of the value of the property passing on the death of the deceased to him or for his benefit on which duty is levied and of the value of all transmissions to him and of the value of all dispositions in respect of which duty is levied on him; and

(b) the amount of his individual dependant reduction or of his increased individual dependant reduction, if the greater,

by the sum of the value of all the property passing on the death of the deceased to him or for his benefit, and of the value of all dispositions to him that do not come within clause g of subsection 1 of section 5.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 3,  
amended

(2) Subsection 3 of the said section 7, as amended by section 2 of *The Succession Duty Amendment Act, 1960-61*, is further amended by adding at the commencement thereof "After the reduction provided for in subsection 2a is made", so that the first three lines of the subsection shall read as follows:

Duty  
levied on  
dependant  
to be  
reduced-  
notch clause

(3) After the reduction provided for in subsection 2a is made, the duty levied on property passing on the death of the deceased to or for the benefit of a dependant and on him shall be reduced to an amount equal to one-half of,

. . . . .

R.S.O. 1960,  
c. 386, s. 7,  
subs. 5, cl. a,  
repealed

(3) Clause a of subsection 5 of the said section 7 is repealed.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 7,  
amended

(4) Subsection 7 of the said section 7 is amended by inserting after "to" where it appears in the fourth line of clause c and in the twenty-third line "one-half of", so that the subsection shall read as follows:

Reduction

(7) Where,

(a) any of the property to which clause a of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 1 and any of the dispositions to which clause a of section 1 applies are made to him or them; and

(b)

- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property so passing to or for the benefit of any one of such persons and on him is greater than an amount equal to one-half of the amount obtained by,
  - (i) multiplying the amount by which the aggregate value exceeds \$50,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and
  - (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to one-half of the amount obtained under subclauses i and ii of clause *c*.

(5) The said section 7 is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 386, s. 7,  
amended

(7a) Where,

Notch  
clause,  
collaterals

- (a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 4 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and
- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property, where the aggregate value exceeds \$10,000 but does not exceed \$20,000, so passing to or for the benefit of any one of such persons and on him is greater than an amount equal to one-half of the amount obtained by,
  - (i) multiplying the amount by which the aggregate value exceeds \$10,000 by the

sum

sum of the amount of the value of such property so passing to him and of such dispositions made to him, and

- (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to one-half of the amount obtained under subclauses i and ii of clause *c*; and

- (d) the amount of the duty including the surtax provided for by subsection 6, levied on the proportion of such property, where the aggregate value exceeds \$20,000, so passing to or for the benefit of any one of such persons and on him, by reason of the application of the rate of duty provided for by clause *a* of subsection 4, is greater than an amount equal to one-half of the amount obtained by,

- (i) multiplying the amount by which the aggregate value exceeds \$20,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and
- (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *d* shall be reduced to an amount equal to one-half of the amount obtained under subclauses i and ii of clause *d*.

Notch  
clause,  
strangers

(7b) Where,

- (a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 5 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and
- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property so passing to or for the benefit of any one of such persons and on him

is



is greater than an amount equal to one-half of the amount obtained by,

- (i) multiplying the amount by which the aggregate value exceeds \$10,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and
- (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to one-half of the amount obtained under subclauses i and ii of clause *c*.

(6) Subsection 8 of the said section 7 is amended by adding thereto the following clauses:

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
amended

(*ca*) "increased individual dependant reduction", in the case of the wife of the deceased, means the sum of the amount of her individual dependant reduction and the amount of the individual dependant reduction of each dependent child in whose case the sum of the value of the property passing on the death of the deceased to him or for his benefit and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5 does not exceed the amount of his individual dependant allowance;

(*cb*) "increased individual dependant reduction", in the case of a dependant where the deceased is not survived by a wife, means the sum of,

- (i) the amount of his individual dependant reduction, and
- (ii) an amount equal to the amount obtained by dividing the product of,

A. the amount of the dependant's individual dependant allowance, and

B. the sum of the amounts of the individual dependant reduction of dependants in whose cases the sum of the value of the property passing on the death of the deceased to him or for his benefit, and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5, does not exceed the amount of his individual dependant allowance,

by

by the sum of the amounts of the individual dependant allowance of all dependants, exclusive of dependants mentioned in sub-clause B.

- (da) "individual dependant reduction" means, in the case of a dependant, the amount obtained by applying to the amount of his individual dependant allowance the rates applicable under subsection 1 to amounts equal to the amount of his individual dependant allowance and by adding to the amount so obtained 15 per cent thereof, provided that, where the dependant's individual dependant allowance is less than \$50,000, the rate to be applied to his individual dependant allowance shall be 2.5 per cent.

R.S.O. 1960,  
c. 386, s. 10,  
subs. 1,  
amended

4.—(1) Subsection 1 of section 10 of *The Succession Duty Act* is amended by inserting after "contract" in the twenty-ninth line "or to any pension fund, plan or scheme", so that the subsection shall read as follows:

Consent

- (1) On the death of any person, whether he dies domiciled in Ontario or elsewhere, unless the consent in writing of the Treasurer is obtained,
- (a) no bank, trust company, insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer, in Ontario, shall deliver, assign, transfer or pay, or permit the delivery, assignment, transfer or payment of,
- (i) any property situate in Ontario in which the deceased at the time of his death had any beneficial interest, or
- (ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied for by the deceased, or in which the deceased had at the time of his death any interest, where the debt resulting in the payment of such money was situate in Ontario at the date of death of the deceased; and
- (b) no person in Ontario, other than a person acting in the capacity of administering the property passing on the death of the deceased,

shall

shall deliver, assign, transfer or pay or permit the delivery, assignment, transfer or payment of any property in which the deceased had at the time of his death any beneficial interest,

provided that this subsection does not apply to any contract or to any pension fund, plan or scheme to which clause *h* of section 4 applies.

(2) Subsection 3 of the said section 10 is amended by striking out "\$2,500" in the second line and inserting in lieu thereof "\$5,000", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 386, s. 10, subs. 3, amended</sup>

(3) Notwithstanding anything in this Act, any person may make payment not exceeding \$5,000 under any pension fund, plan or scheme of general application to employees of whom the deceased was one, without the consent of the Treasurer, where payment is made to or for the benefit of any member or members of the family of the deceased, and notice of the making of payment shall be transmitted forthwith to the Treasurer. <sup>Payments under pension funds, etc.</sup>

**5.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**6.** This Act may be cited as *The Succession Duty Amendment Act, 1962-63*. <sup>Short title</sup>





## CHAPTER 136

**An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1963, and the 31st day of March, 1964**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by messages from the Honourable <sup>Preamble</sup> John Keiller Mackay, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1963, and for the fiscal year ending the 31st day of March, 1964, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. In addition to the sum of \$1,077,440,000 granted by <sup>\$35,837,000 granted for</sup> *The Supply Act, 1961-62*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole <sup>fiscal year 1962-63</sup> \$35,837,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1962, to the 31st day of March, 1963, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which such schedule is based. <sup>1961-62, c. 135</sup>
2. There may be paid out of the Consolidated Revenue <sup>\$1,137,715,000 granted for</sup> Fund a sum not exceeding in the whole \$1,137,715,000 to be <sup>fiscal year 1963-64</sup> applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1963, to the 31st day of March, 1964, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

Accounting  
for  
expenditure

**3.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Supply Act, 1962-63*.

## SCHEDULE A

Department of Education.....	\$ 31,000,000
Department of Health.....	3,807,000
Department of Lands and Forests.....	30,000
Treasury Department.....	1,000,000
	<hr/>
	\$ 35,837,000
	<hr/> <hr/>

## SCHEDULE B

Department of Agriculture.....	\$ 19,451,000
Department of Attorney General.....	28,650,000
Department of Civil Service.....	922,000
Department of Economics and Development..	11,853,000
Department of Education.....	375,478,000
Department of Energy Resources.....	731,000
Department of Health.....	137,449,000
Department of Highways.....	274,976,000
Department of Insurance.....	473,000
Department of Labour.....	14,116,000
Department of Lands and Forests.....	38,359,000
Office of the Lieutenant Governor.....	27,000
Department of Mines.....	3,262,000
Department of Municipal Affairs.....	67,655,000
Department of the Prime Minister.....	178,000
Office of the Provincial Auditor.....	498,000
Department of the Provincial Secretary and Citizenship.....	3,947,000
Department of Public Welfare.....	77,483,000
Department of Public Works.....	46,629,000
Department of Reform Institutions.....	19,696,000
Department of Transport.....	6,715,000
Department of Travel and Publicity.....	2,388,000
Treasury Department.....	6,779,000
	<hr/>
	\$1,137,715,000
	<hr/> <hr/>





## CHAPTER 137

**An Act to amend The Surrogate Courts Act**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Surrogate Courts Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 388,  
amended

32a. In the case of any order, determination or judgment made or given by a surrogate court or a judge thereof in respect of which an appeal is not otherwise provided under this Act, an appeal lies to a judge of the Supreme Court, and the practice and procedure governing appeals from the Master of the Supreme Court apply to every such appeal. Appeals  
from  
interlocutory  
orders, etc.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Surrogate Courts Amendment Act, 1962-63*. Short title



## CHAPTER 138

# An Act to amend The Teachers' Superannuation Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subclause v of clause d of section 1 of *The Teachers' Superannuation Act* is amended by inserting after "in" in the first line "a college of education" and by striking out "the Ontario College of Education" in the third line, so that the subclause shall read as follows:

- (v) as a teacher in a college of education, a teachers' college, a provincial technical or polytechnical institute, a railway-car school, the University of Toronto Schools, the Ontario College of Art, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses, the Royal Ontario Museum, or The Lakehead College of Arts, Science and Technology.

(2) Clause d of the said section 1 is amended by adding thereto the following subclause:

- (va) as a co-ordinator or instructor under any agreement entered into under the *Technical and Vocational Training Assistance Act* (Canada).

**2.** Subsection 7 of section 2 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

- (7) The Commission shall meet in the offices of the Meetings Department of Education in Toronto on,

(a) the fourth Friday in September;

(b) the fourth Friday in November;

(c) the third Friday in January;

(d)

(d) the Thursday following Easter;

(e) the third Saturday in June,

and at such other times as the chairman determines.

R.S.O. 1960,  
c. 392, s. 31,  
subs. 1,  
amended

3.—(1) Subsection 1 of section 31 of *The Teachers' Superannuation Act* is amended by striking out "the Ontario College of Education" in the second line and inserting in lieu thereof "a college of education" and by striking out "Ontario College of Education" in the ninth line and inserting in lieu thereof "college of education", so that the subsection shall read as follows:

Student  
teachers  
with im-  
pairment

- (1) Where the medical examination prescribed for admission to a college of education or to a teachers' college discloses in a person a mental or physical impairment, defect or condition, or a history of any of them, that in the opinion of the Commission does not render the person incapable of being employed but might subsequently render him incapable of being employed by re-occurrence, worsening or the development of sequelae or complications, the person shall be admitted to the college of education or to the teachers' college only if he signs a consent in the prescribed form to have this section apply to him in the event of his becoming employed.

R.S.O. 1960,  
c. 392, s. 31,  
subs. 3, cl. b,  
amended

- (2) Clause *b* of subsection 3 of the said section 31 is amended by inserting after "incapacitated" in the first and second lines "as a result of the mental or physical impairment, defect or condition or a history thereof in respect of which he signed a consent", so that the clause shall read as follows:

- (b) while employed becomes mentally or physically incapacitated, as a result of the mental or physical impairment, defect or condition or a history thereof in respect of which he signed a consent, to a degree that in the opinion of the Commission renders him incapable of being further employed; and

R.S.O. 1960,  
c. 392, s. 58,  
amended

4. Section 58 of *The Teachers' Superannuation Act*, as amended by section 3 of *The Teachers' Superannuation Amendment Act, 1961-62*, is further amended by adding thereto the following paragraph:

- 9a. prescribing the terms and conditions upon which co-ordinators and instructors under Programme 5 of the Federal-Provincial Technical and Vocational



Training Agreement may contribute to the Fund in respect of employment under the Agreement before the 1st day of September, 1962.

5. Every person now or hereafter on the staff of a college<sup>O.C.E. staff,</sup> of education who is eligible to contribute to either the<sup>election</sup> Teachers' Superannuation Fund or the pension fund of a university shall, within three months after this Act comes into force or within three months after joining such staff, whichever is the later, by notice in writing to the Commission and to the university, elect to contribute to one or the other of such funds and shall not thereafter have a right to re-elect.<sup>as to fund</sup>

6.—(1) This Act, except subsection 2 of section 1 and<sup>Commence-</sup> section 4, comes into force on the day it receives Royal<sup>ment</sup> Assent.

(2) Subsection 2 of section 1 and section 4 shall be deemed<sup>Idem</sup> to have come into force on the 1st day of September, 1962.

7. This Act may be cited as *The Teachers' Superannuation*<sup>Short title</sup> *Amendment Act, 1962-63.*



## CHAPTER 139

## An Act to amend The Telephone Act

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 2 of *The Telephone Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 394, s. 2,  
subs. 5,  
re-enacted

(5) Two members constitute a quorum.

Quorum

2. Section 15 of *The Telephone Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 394, s. 15,  
amended

(2) Every person, system or municipality that refuses or neglects to comply with an order of the Commission made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Penalty for  
refusal or  
neglect to  
obey order  
of Com-  
mission

3. Section 68 of *The Telephone Act* is amended by striking out "for the remainder of the term for which his predecessor was elected or appointed" in the third, fourth and fifth lines and inserting in lieu thereof "until the next general meeting of the subscribers", so that the section shall read as follows:

R.S.O. 1960,  
c. 394, s. 68,  
amended

68. Where a commissioner resigns, dies or becomes incapacitated, the council of the initiating municipality shall immediately appoint a successor who shall hold office until the next general meeting of the subscribers.

Vacancies

4. Section 89 of *The Telephone Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 394, s. 89,  
amended

(3) Where a person supplied with telephone service is in default of payment of any rate or toll in respect of a service, the system may terminate the service upon giving the person seven days notice thereof in writing.

Termination  
of service

R.S.O. 1960,  
c. 394, s. 103,  
amended

**5.** Section 103 of *The Telephone Act* is amended by striking out "to another system, whether the other system is under the jurisdiction of the Legislature or not" in the fifth, sixth and seventh lines, so that the section shall read as follows:

Sales or  
transfers  
of systems,  
etc.

103. No telephone system and no part of a system or controlling interest in a system shall be sold or disposed of and no system shall be amalgamated with another system and no system shall enter into an agreement that in effect transfers its ownership or control until the Commission has approved of the sale or other disposition, amalgamation or agreement.

R.S.O. 1960,  
c. 394, s. 105,  
amended

**6.** Section 105 of *The Telephone Act* is amended by adding thereto the following subsection:

Public  
hearing

(2) Where the Commission is of the opinion that a change in a tariff of rates and tolls should not be approved without a public hearing, it shall give written notice of the time and place of the hearing to the telephone system desiring the change, and the telephone system shall, unless the Commission orders otherwise, publish, once a week for two successive weeks immediately preceding the hearing, notice of the hearing in a newspaper having general circulation in the municipality or municipalities where the change in the tariff is sought.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Telephone Amendment Act, 1962-63*.



## CHAPTER 140

**An Act respecting  
Certain Lands of the University of Toronto**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The lands and premises described in the Schedule hereto are hereby released and discharged from the trusts set out in a deed dated the 17th day of April, 1907, from The Governors of the University of Toronto to The University Residence Trustees and registered in the Registry Office for the Registry Division of Toronto on the 19th day of April, 1907, as No. 25665 P., and in a deed dated the 14th day of January, 1921, from The University Residence Trustees to The Governors of the University of Toronto and registered in the Registry Office for the Registry Division of Toronto on the 14th day of February, 1921, as No. 83017 P. <sup>Lands released from trusts</sup>

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**3.** This Act may be cited as *The University of Toronto Lands Act, 1962-63*. <sup>Short title</sup>

## SCHEDULE

## DESCRIPTION OF LANDS

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Toronto, in the County of York, and more particularly described as follows:

1. COMMENCING at the North-east corner of Hoskin Avenue and Devonshire Place, thence Northerly along the East limit of Devonshire Place six hundred feet (600'), thence Easterly parallel to Hoskin Avenue two hundred feet (200'), thence Southerly parallel to Devonshire Place to the North limit of Hoskin Avenue six hundred feet (600'), thence Westerly along the North limit of Hoskin Avenue two hundred feet (200') to the place of beginning; which includes, a part of Park Lot No. 13 and Lots Nos. 4, 5, 6, the southerly twenty-two feet (22') from front to rear of Lot No. 40 and Lots Nos. 41, 42, 43, 44, 45, 46, 47, and 48, according to Plan 101E, being Plan of a sub-division of part of the University Grounds, registered in the Registry Office for the City of Toronto;

2. COMMENCING at the North-west corner of Hoskin Avenue and Devonshire Place, thence Northerly along the West limit of Devonshire Place two hundred and forty feet (240'), thence Westerly parallel to Hoskin Avenue one hundred and fifty feet (150'), thence Southerly parallel to Devonshire Place two hundred and forty feet (240') to the North limit of Hoskin Avenue, thence Easterly along the said North limit one hundred and fifty feet (150') to the place of beginning, being otherwise described as Lots Nos. 1, 2, 3, 7, and the Southerly twenty feet (20') of Lot No. 8 from front to rear, according to said Plan 101 E.

## CHAPTER 141

## An Act to amend The Vital Statistics Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 4 of section 6 of *The Vital Statistics Act*, <sup>R.S.O. 1960, c. 419, s. 6,</sup> as re-enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61*, <sup>subs. 4 (1960-61, c. 102, s. 1), amended</sup> is amended by striking out "subsection 4a" in the first line and inserting in lieu thereof "subsections 4a and 4c", so that the subsection shall read as follows:

- (4) Except as provided in subsections 4a and 4c, the birth of a child of a married woman shall be registered <sup>Birth of child to married woman</sup> showing the surname of the husband as the surname of the child, and the particulars of the husband shall be given as those of the father of the child.

(2) The said section 6, as amended by section 1 of *The Vital Statistics Amendment Act, 1960-61*, <sup>R.S.O. 1960, c. 419, s. 6, amended</sup> is further amended by adding thereto the following subsections:

- (4c) Where a married woman to whom a child is born files with the division registrar a statutory declaration <sup>Further alternative procedure in certain cases</sup> in the prescribed form,
- (a) that when the child was conceived she was living separate and apart from her husband;
  - (b) that her husband is not the father of the child;
  - (c) that she is commonly known under the surname of the father of the child; and
  - (d) that she was living separate and apart from her husband for at least one year before the birth of the child,

no particulars of the father shall be given in the statement mentioned in subsection 1, unless the mother and a person who acknowledges himself to

be

be the father of the child both so request in writing in the prescribed form, in which case the particulars of the person so acknowledging may be given as the particulars of the father, or the birth may be registered showing the surname of the person so acknowledging as the surname of the child, or both.

Amendment  
of  
registration

(4d) If the request referred to in subsection 4c is made after the registration of the birth, the Registrar General shall amend the registration in accordance with the request.

R.S.O. 1960,  
c. 419, s. 23,  
repealed

2. Section 23 of *The Vital Statistics Act* is repealed.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Vital Statistics Amendment Act, 1962-63*.



CHAPTER 142

An Act to amend The Voters' Lists Act

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Voters' Lists Act* is <sup>R.S.O. 1960, c. 420, s. 9, subs. 1, amended</sup> amended by striking out "175" in the third line and inserting in lieu thereof "75", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) Immediately after the clerk has made the list, and <sup>Printing and distribution of list</sup> within thirty days after the return of the assessment roll, the clerk shall cause at least 75 copies of the list to be reproduced by mechanical means in pamphlet form, and immediately thereafter shall cause one of such copies to be posted up and kept posted up in a conspicuous place in his office, and deliver or mail fifteen copies to the clerk of the peace and one copy,

. . . . .

2. This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

3. This Act may be cited as *The Voters' Lists Amendment* <sup>Short title</sup> *Act, 1962-63.*



## CHAPTER 143

**An Act to amend The Wages Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Wages Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 421,  
amended

10.—(1) Every employer shall furnish to every employee at the time wages are paid to the employee a statement in writing setting forth, Statement  
of wages

- (a) the period of time or the work for which the wages are being paid;
- (b) the rate of the wages to which the employee is entitled unless such information is furnished to the employee in some other manner;
- (c) the amount of the wages to which the employee is entitled;
- (d) the amount of each deduction from the wages of the employee that is not authorized by the employee or that is not required by law, and the purpose for which each deduction is made;
- (e) any living allowance or other payment to which the employee is entitled; and
- (f) the net amount of money being paid to the employee.

(2) Every employer who fails to comply with subsection 1 or who furnishes any employee with a false statement under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Commence-  
ment

**2.** This Act comes into force on the 1st day of June, 1963.

Short title

**3.** This Act may be cited as *The Wages Amendment Act, 1962-63*.



## CHAPTER 144

## An Act to amend The Wills Act

*Assented to April 26th, 1963*  
*Session Prorogued April 26th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Wills Act* is amended by striking out <sup>R.S.O. 1960, c. 433, s. 36, amended</sup> "if he had died intestate and without debts immediately after the death of the testator" in the seventh, eighth and ninth lines and inserting in lieu thereof the following clauses:

"(a) if that person had died immediately after the death of the testator;

(b) if that person had died intestate;

(c) if that person had died without debts; and

(d) if sections 11 and 12 of *The Devolution of Estates Act* had not been passed",

so that the section shall read as follows:

36. Unless a contrary intention appears by the will, <sup>Substituti-  
tional gifts</sup> where a devise or bequest is made to a child, grand-child, brother or sister of the testator who dies before the testator and leaves issue surviving the testator, the devise or bequest does not lapse but takes effect as if it had been made directly to the persons among whom and in the shares in which the estate of that person would have been divisible,

(a) if that person had died immediately after the death of the testator;

(b) if that person had died intestate;

(c)

(c) if that person had died without debts; and

R.S.O. 1960,  
c. 106

(d) if sections 11 and 12 of *The Devolution of Estates Act* had not been passed.

Short title

**2.** This Act may be cited as *The Wills Amendment Act, 1962-63*.

## CHAPTER 145

# **An Act to amend The Workmen's Compensation Act**

*Assented to April 26th, 1963  
Session Prorogued April 26th, 1963*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of subsection 1 of section 1 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 437, s. 1,  
subs. 1, cl. *a*,  
re-enacted

(a) "accident" includes,

- (i) a wilful and intentional act, not being the act of the workman,
- (ii) a chance event occasioned by a physical or natural cause, and
- (iii) disablement arising out of and in the course of employment.

(2) Clause *e* of subsection 2 of the said section 1 is amended by striking out "except a rural school board", so that the clause shall read as follows: R.S.O. 1960,  
c. 437, s. 1,  
subs. 2, cl. *e*,  
amended

(e) a school board.

(3) Subsection 3 of the said section 1 is amended by striking out "\$5,000" in the eleventh line and inserting in lieu thereof "\$6,000". R.S.O. 1960,  
c. 437, s. 1,  
subs. 3,  
amended

**2.** Clause *a* of subsection 1 of section 3 of *The Workmen's Compensation Act* is amended by striking out "five" in the second line and inserting in lieu thereof "three". R.S.O. 1960,  
c. 437, s. 3,  
subs. 1, cl. *a*,  
amended

**3.** Section 12 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the fifth line and inserting in lieu thereof "\$6,000". R.S.O. 1960,  
c. 437, s. 12,  
amended

R.S.O. 1960,  
c. 437, s. 37,  
subs. 1, cl. d,  
amended 4.—(1) Clause *d* of subsection 1 of section 37 of *The Workmen's Compensation Act* is amended by striking out "\$25" in the fourth line and inserting in lieu thereof "\$40" and by striking out "\$35" in the fifth line and inserting in lieu thereof "\$50".

R.S.O. 1960,  
c. 437, s. 37,  
subs. 1, cl. e,  
amended (2) Clause *e* of subsection 1 of the said section 37 is amended by striking out "\$35" in the second line and inserting in lieu thereof "\$50".

R.S.O. 1960,  
c. 437, s. 37,  
subs. 3, cl. b,  
amended (3) Clause *b* of subsection 3 of the said section 37 is amended by striking out "\$25" in the third line and inserting in lieu thereof "\$40" and by striking out "\$35" in the fifth line and inserting in lieu thereof "\$50".

R.S.O. 1960,  
c. 437, s. 37,  
subs. 3, cl. c,  
amended (4) Clause *c* of subsection 3 of the said section 37 is amended by striking out "\$35" in the first line and inserting in lieu thereof "\$50".

R.S.O. 1960,  
c. 437, s. 41,  
amended 5. Section 41 of *The Workmen's Compensation Act* is amended by striking out "is able to earn" in the fifth line and inserting in lieu thereof "is physically capable of earning, as determined by the Board", so that the section shall read as follows:

Temporary  
partial  
disability

41. Where temporary partial disability results from the injury, the compensation shall be a weekly payment of 75 per cent of the difference between the average weekly earnings of the workman before the accident and the average amount that he is earning or is physically capable of earning, as determined by the Board, in some suitable employment or business after the accident, and is payable so long as the disability lasts, and subsection 3 of section 42 applies.

R.S.O. 1960,  
c. 437, s. 44,  
subs. 1,  
amended 6. Subsection 1 of section 44 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the fourth line and inserting in lieu thereof "\$6,000".

R.S.O. 1960,  
c. 437, s. 51,  
subs. 1,  
amended 7. Subsection 1 of section 51 of *The Workmen's Compensation Act* is amended by striking out "five" in the third line and inserting in lieu thereof "three".

R.S.O. 1960,  
c. 437, s. 74,  
re-enacted 8. Section 74 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Costs

- 74.—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed.



- (2) The Board may order by whom and to whom any <sup>Idem</sup> costs are to be paid and by whom they are to be taxed and allowed.
- (3) The Board may prescribe a scale under which such <sup>Idem</sup> costs shall be taxed.
- (4) In this section, the costs may include the costs of <sup>Idem</sup> the Board, regard being had to the time and expense of the Board.

**9.** Subsection 1 of section 99 of *The Workmen's Compensation Act* is amended by striking out "\$5,000" in the third line and inserting in lieu thereof "\$6,000". <sup>R.S.O. 1960, c. 437, s. 99, subs. 1, amended</sup>

**10.** Section 110 of *The Workmen's Compensation Act* is <sup>R.S.O. 1960, c. 437, s. 110, amended</sup> amended by striking out "\$200" in the eighth line and inserting in lieu thereof "\$400".

**11.** Subsection 3 of section 114 of *The Workmen's Compensation Act* is repealed and the following substituted there- <sup>R.S.O. 1960, c. 437, s. 114, subs. 3, re-enacted</sup> for:

- (3) The amount set forth in a certificate of the Board <sup>Lien</sup> filed pursuant to section 110 is a first lien upon all the property, real or personal, of the employer used in or in connection with the industry with respect to which the employer is assessed, subject only to municipal taxes, and the amount levied under execution upon any such judgment to the extent of the amount due upon such execution shall forthwith be paid to the Board.

**12.** Section 122 of *The Workmen's Compensation Act* is <sup>R.S.O. 1960, c. 437, s. 122, amended</sup> amended by striking out "\$5,000" in the eighth line and inserting in lieu thereof "\$6,000".

**13.—**(1) This Act, except sections 1, 2, 3, 4, 6, 7, 9 and 12, <sup>Commence-ment</sup> comes into force on the day it receives Royal Assent and applies only in respect of accidents happening on or after that day.

(2) Subsection 3 of section 1 and sections 3, 6, 9 and 12 <sup>Idem</sup> come into force on the 1st day of July, 1963, and apply only in respect of accidents happening on or after that day.

(3) Section 4 comes into force on the 1st day of July, 1963, <sup>Idem</sup> and applies to all pension payments accruing after that day whether the accident happened before or happens after that day and whether the award of compensation was made before or is made after that day.

Idem

(4) Subsections 1 and 2 of section 1 and sections 2 and 7 shall be deemed to have come into force on the 3rd day of April, 1963, and apply only in respect of accidents happening on or after that day.

Short title

**14.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1962-63*.

PART II  
PRIVATE ACTS  
Chapters 146 to 202





## CHAPTER 146

## An Act respecting the Baptist Convention of Ontario and Quebec

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**W**HEREAS the Baptist Convention of Ontario and Quebec, herein called the Convention, by its petition has represented that a Bill entitled *An Act to incorporate the Baptist Convention of Ontario and Quebec* is before the Parliament of Canada for the purpose of incorporating the Convention and merging and amalgamating with the new body corporate the following incorporated boards of the Convention, namely:

Preamble

The Home Mission Board of the Baptist Convention,  
The Ministerial Superannuation Board of the Baptist Convention,  
The Publication Board of the Baptist Convention,  
The Church Extension Board of the Baptist Convention,  
The Western Mission Board of the Baptist Convention,  
The Board of Religious Education of the Baptist Convention,  
The Properties Board of the Baptist Convention of Ontario and Quebec, and  
The Board of Evangelism and Social Service of the Baptist Convention of Ontario and Quebec,

to continue as one corporate entity under the name of the Baptist Convention of Ontario and Quebec; that by *An Act respecting the Boards of the Baptist Convention of Ontario and Quebec*, being chapter 91 of the Statutes of Ontario, 1889, as amended by *The Baptist Convention Act, 1944*, *The Boards of the Baptist Convention Act, 1954* and section 20 of *The McMaster University Act, 1957*, the above-mentioned boards have certain powers relating to the acquisition, holding and disposition of real and personal property, and abandoned property owned by or by trustees for any Baptist Church in Ontario of the Convention is vested in The Properties Board of the Baptist Convention of Ontario and Quebec to be held by that Board subject to the direction of the Convention from time to time; and whereas the petitioners have prayed for special legislation to vest in the Baptist Convention of

1944, c. 71  
1954, c. 108  
1957, c. 144

Ontario and Quebec, upon its incorporation, the powers and authorities heretofore vested in the above-mentioned boards or any of them; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Property      **1.** The Baptist Convention of Ontario and Quebec, a body corporate incorporated by an Act of the Parliament of Canada, has authority to acquire by purchase, lease, gift, devise or bequest and to hold, possess, retain and enjoy any real or personal property, or any estate or interest therein, in Ontario, and may alienate such property or any estate or interest therein at pleasure.
- Idem            **2.** The powers conferred on the Baptist Convention of Ontario and Quebec by the Act of the Parliament of Canada or by this Act, to acquire by purchase, lease, gift, devise or bequest and to hold, possess, retain and enjoy any real or personal property, or any estate or interest therein, are not limited or affected by any statute or statutes of mortmain in force in Ontario.
- Abandoned  
property      **3.** In all cases where real or personal property now or hereafter owned by or by trustees for any Baptist Church in Ontario having membership in or affiliated with the Baptist Convention of Ontario and Quebec has been or is hereafter abandoned by any such church, such property automatically vests in the Convention.
- Repeal:        **4.** The following are repealed:
- 1889, c. 91      1. *An Act respecting the Boards of the Baptist Convention of Ontario and Quebec.*
- 1944, c. 71      2. *The Baptist Convention Act, 1944.*
- 1954, c. 108     3. *The Boards of the Baptist Convention Act, 1954.*
- Commence-  
ment           **5.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title      **6.** This Act may be cited as *The Baptist Convention Act, 1962-63.*

## CHAPTER 147

## An Act respecting the Village of Bath

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Village of Bath, <sup>Preamble</sup>  
herein called the Corporation, by its petition has prayed  
for special legislation in respect of the matters hereinafter set  
forth; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The council of The Corporation of the Village of Bath is <sup>Debenture  
by-law  
authorized</sup>  
hereby authorized to pass By-law No. 135 of the Corporation,  
set forth as the Schedule hereto, authorizing the issue of  
debentures of the Corporation in the principal amount not  
exceeding \$35,000, made payable in not more than twenty  
years, to defray the cost of the renovation and the equipment  
of Bath Public School, and the by-law when duly passed is  
legal, valid and binding upon the Corporation and the rate-  
payers thereof.

2. Sections 55, 56, 57 and 58 of *The Ontario Municipal* <sup>Application  
of</sup>  
*Board Act* apply in respect of By-law No. 135 and the debentures to be issued thereunder. <sup>R.S.O. 1960,  
c. 274</sup>

3. For the purposes of every Act, the Ontario Municipal <sup>By-law  
confirmed  
and work  
authorized</sup>  
Board shall be deemed to have issued an order, pursuant to  
section 63 of *The Public Schools Act* and section 64 of *The* <sup>R.S.O. 1960,  
cc. 330, 274</sup>  
*Ontario Municipal Board Act*, authorizing the Bath Public  
School Board to proceed with the renovation and equipment  
referred to in section 1 and authorizing the Corporation to  
pass By-law No. 135.

4. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
Assent.

5. This Act may be cited as *The Village of Bath Act*, <sup>Short title</sup>  
1962-63.



## SCHEDULE

## THE CORPORATION OF THE VILLAGE OF BATH

## BY-LAW No. 135

A By-law to provide for the borrowing on Debentures to meet the Cost of Renovating the Bath Public School and Equipment Therefor:

WHEREAS the Bath Public School Board by its resolution dated the 9th day of July, 1962 and its formal requisition upon the Municipal Council of the Village of Bath, dated the 19th day of July, 1962, has made application to the said Council for the sum of \$35,000.00 required by it for the renovation of the Public School and equipment thereof and other expenses incidental thereto;

AND WHEREAS the said Council has approved the said application and has indicated its willingness to make available to the said Public School Board the said sum by the borrowing thereof on debentures, subject to the approval of the Ontario Municipal Board;

AND WHEREAS it is deemed expedient to borrow a sum not exceeding \$35,000.00 upon the credit of the Corporation and to issue debentures thereof, bearing interest annually at the rate per annum shown in Schedule "A" attached to this By-law and to provide for the discount and expenses incidental to the negotiation and the sale of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt payable in annual instalments during the period of twenty years next after the date of issue of the said debentures.

NOW THEREFORE the Municipal Council of The Corporation of the Village of Bath enacts as follows:

1. That for the purposes aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$35,000.00 and debentures shall be issued therefor in sums of not less than \$100.00 each bearing interest at the rates shown in Schedule "A" attached to this By-law and each debenture shall have coupons attached thereto for the payment of the interest.

2. The debentures shall bear the same date and shall be issued within two years after the day on which this By-law is passed and may bear any date within such two years and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued and the respective amounts of principal and interest payable in each of such years shall be set forth in Schedule "A" to this By-law, which is hereby declared to be part of this By-law.

3. The debentures as to both principal and interest shall be payable in lawful money of Canada and may be made payable at the Royal Bank of Canada in the Village of Bath or at the principal office of the said Bank in the cities of Toronto and Montreal.

4. The Reeve of the Corporation shall sign and issue the debentures and the debentures and interest coupons shall be signed by the Treasurer of the Corporation and the debentures shall be sealed with the Seal of the Corporation. The signature of the Treasurer on the coupons shall be written, stamped, lithographed or engraved.

5. In each year of the currency of the debentures there shall be levied or raised annually by a special rate sufficient therefor, over and above all other rates on rateable property in the Municipality assessed to rate-payers who are supporters of Public Schools and at the same time and in the same manner as other rates, the amount falling due for principal and interest in the year as set forth in the said Schedule.



6. The debentures may contain a clause providing for the registration thereof pursuant to Section 323 of *The Municipal Act*, R.S.O. 1960.

7. Pending the said sale of the said debentures the Head of the Council and the Treasurer may raise for the purposes aforesaid, by way of a loan on such debentures any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

READ A FIRST AND SECOND TIME this 23rd day of July, 1962.

R. W. GREEN,  
*Reeve.*

E. ACKROYD,  
*Clerk.*

(Corporate Seal)

READ A THIRD TIME, PASSED AND ENACTED this 00th day of 1962.

R. W. GREEN,  
*Reeve.*

E. ACKROYD,  
*Clerk.*

*Schedule "A"*

<u>Debenture Payment</u>	<u>Interest</u>	<u>Principal</u>	<u>Year</u>
\$3,187.50	\$2,187.50	\$1,000.00	1963
3,125.00	2,125.00	1,000.00	1964
3,062.50	2,062.50	1,000.00	1965
3,000.00	2,000.00	1,000.00	1966
2,937.50	1,937.50	1,000.00	1967
2,875.00	1,875.00	1,000.00	1968
2,812.50	1,812.50	1,000.00	1969
2,750.00	1,750.00	1,000.00	1970
3,687.50	1,687.50	2,000.00	1971
3,562.50	1,562.50	2,000.00	1972
3,437.50	1,437.50	2,000.00	1973
3,312.50	1,312.50	2,000.00	1974
3,187.50	1,187.50	2,000.00	1975
3,062.50	1,062.50	2,000.00	1976
2,937.50	937.50	2,000.00	1977
2,812.50	812.50	2,000.00	1978
2,687.50	687.50	2,000.00	1979
3,562.50	562.50	3,000.00	1980
3,375.00	375.00	3,000.00	1981
3,187.50	187.50	3,000.00	1982
<u>62,562.50</u>	<u>27,562.50</u>	<u>35,000.00</u>	



## CHAPTER 148

**An Act respecting The Beechwood Cemetery Company of the City of Ottawa**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Beechwood Cemetery Company of the <sup>Preamble</sup> City of Ottawa by its petition has represented that it was incorporated by *An Act to incorporate "The Beechwood Cemetery Company of the City of Ottawa"*, herein called the Act of Incorporation, being chapter 149 of the Statutes of Ontario, 1873, which Act was amended by,

- (a) *An Act respecting the Beechwood Cemetery Company of the City of Ottawa*, being chapter 95 of the Statutes of Ontario, 1894;
- (b) *An Act respecting The Beechwood Cemetery Company of Ottawa*, being chapter 127 of the Statutes of Ontario, 1914;
- (c) *An Act respecting the Beechwood Cemetery Company of Ottawa*, being chapter 136 of the Statutes of Ontario, 1921; and
- (d) *The Beechwood Cemetery Act, 1928;*

1928, c. 111

and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the Act of Incorporation is amended by <sup>1873, c. 149,</sup> striking out "of the City of Ottawa" in the eighth and ninth <sup>s. 1,</sup> amended lines, so that the section shall read as follows:

1. That Joseph M. Currier, Philip Thompson, James T. <sup>Incor-</sup> Pennock, Robert Blackburn, Benjamin Batson, William White, John Durie, George Hay, John Sweetland, M.D., James G. Robinson, McLeod

Stewart,

Corporate  
name

Stewart, and such others as are now and may hereafter become subscribers to the capital stock of the said company, and shareholders thereof in pursuance of this Act, shall be and are hereby constituted a body politic and corporate, by the name of "The Beechwood Cemetery Company".

1873, c. 149,  
s. 2,  
re-enacted

**2.** Section 2 of the Act of Incorporation, as amended by section 1 of *An Act respecting the Beechwood Cemetery Company of the City of Ottawa*, being chapter 95 of the Statutes of Ontario, 1894, is repealed and the following substituted therefor:

Capital  
stock

2. The authorized capital of the company is decreased from \$60,000 to \$38,700 by the cancellation of 213 shares with a par value of \$100 each, heretofore issued and repurchased by the company for cancellation, so that the authorized capital of the company is \$38,700 divided into 387 shares with a par value of \$100 each, and shares of the company may be transferred on its books as prescribed by its by-laws, and each issued share entitles the registered holder thereof to one vote, either in person or by proxy, at all meetings of shareholders of the company.

1873, c. 149,  
s. 4 (1914,  
c. 127, s. 1),  
re-enacted

**3.** Section 4 of the Act of Incorporation, as re-enacted by section 1 of *An Act respecting The Beechwood Cemetery Company of Ottawa*, being chapter 127 of the Statutes of Ontario, 1914, is repealed and the following substituted therefor:

Dividends

4.—(1) Dividends on the issued shares of the company may be declared and paid by its directors out of net profits or earned surplus of the company, but no dividend shall be declared or paid in any fiscal year in an amount in excess of \$7 per share.

Earned  
surplus,  
endowment  
reserve

(2) The earned surplus of the company shall not at any time hereafter exceed \$21,300 and, to the extent that the earned surplus at the end of the last fiscal year preceding the coming into force of this section exceeds \$21,300, the excess shall forthwith be set aside to create an endowment reserve, and thereafter all net profits in each fiscal year after payment of or provision for dividends under subsection 1, to the extent to which they would increase the earned surplus at the end of the fiscal year above \$21,300, shall forthwith, after being determined and as at the end of the fiscal year, be transferred to the endowment reserve.



- (3) The capital of the endowment reserve referred to in subsection 2, or the part thereof that the directors at any time consider necessary, may be applied to and invested in works of permanent improvement in the cemetery, and the balance of the capital shall be invested by the company in the same manner as a trustee is authorized to invest trust funds under *The Trustee Act*, and all income earned by the endowment reserve, or the part thereof that the directors consider necessary, shall in each fiscal year be applied to the preservation, improvement and embellishment of the cemetery, and the balance thereof, if any, shall forthwith, after being determined and as at the end of the fiscal year, be transferred to the capital of the endowment reserve.

4. Section 5, as re-enacted by section 2 of *An Act respecting The Beechwood Cemetery Company of Ottawa*, being chapter 127 of the Statutes of Ontario, 1914, and section 8 of the Act of Incorporation are repealed.

5. This Act comes into force on the day it receives Royal Assent.

6. This Act may be cited as *The Beechwood Cemetery Company Act, 1962-63*.



## CHAPTER 149

**An Act respecting the City of Belleville**

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Belleville Preamble by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The City of Belleville Act, 1959* is amended 1959, c. 110,  
s. 2,  
amended by adding thereto the following subsection:

(3) The mayor elected at the election for the year 1964, Term of  
office of  
mayor and thereafter, shall hold office for a two-year term.

**2.** This Act comes into force on the day it receives Royal Commence-  
ment Assent.

**3.** This Act may be cited as *The City of Belleville Act*, Short title 1962-63.





## CHAPTER 150

## An Act respecting the City of Belleville

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Belleville, <sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "dwelling" means any building, part of a <sup>Interpre-</sup> building, tent, trailer or other covering or structure and the <sup>tation</sup> contents thereof, the whole or any portion of which has been used, is used or is capable of being used for the purposes of human habitation, with the land and premises appurtenant thereto and all out-buildings, fences or erections thereon or therein.

2. Upon the expiration of one year following the closing <sup>Order for</sup> of any dwelling pursuant to section 99 of *The Public Health* <sup>demolition</sup> *Act* as unfit for human habitation or dangerous to health <sup>of dwelling</sup> and upon the report of the medical officer of health that such <sup>R.S.O. 1960,</sup> dwelling is unfit for human habitation or is dangerous to <sup>c. 321</sup> health, the council of the Corporation may, by by-law passed at any general meeting thereof by a vote of three-fourths of all the members of council, order the removal or demolition of such dwelling.

3. Notice of the by-law shall be registered in the registry <sup>Notice</sup> office for the Registry Division of the County of Hastings <sup>of by-law</sup> and notice shall thereafter be served upon the owner, the mortgagee and any other encumbrancer appearing on the registered title and upon any execution creditor appearing on the records of the sheriff's office, and the owner, mortgagee, encumbrancer or execution creditor has the right to appeal <sup>Appeal</sup> to the judge of the county court of the County of Hastings from the decision of the council to remove or demolish the

dwelling

dwelling by written notice of appeal delivered to the clerk of the Corporation within thirty days after the date of service of the notice of the by-law.

Contents  
of notice

**4.** The notice of the by-law shall include a copy of the by-law and shall set out the method and time for appealing from the decision of the council of the Corporation.

Power of  
City  
Engineer  
to carry  
out order

**5.** Unless notice of an appeal is received by the clerk of the Corporation within the time stated herein, the decision of the council of the Corporation to remove or demolish the dwelling may be carried out forthwith by the City Engineer on behalf of the Corporation and for this purpose the Corporation with its servants and agents may from time to time enter upon the lands of the owner, and the Corporation is not liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation under the authority of this section.

Lien

**6.** The Corporation has a lien for the amount expended by or on behalf of the Corporation in carrying out the decision of the council to remove or demolish the dwelling and the certificate of the clerk of the Corporation as to the amount so expended is final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

Hearing  
of appeal

**7.** If the decision of the council of the Corporation is appealed, the clerk of the Corporation shall obtain an appointment for a hearing before the judge of the county court of the County of Hastings, and shall give notice thereof by such means and to such persons as the judge may require.

Order  
of judge

**8.** After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Corporation and dismiss the appeal, in which case the Corporation may proceed forthwith to remove or demolish the dwelling, or the judge may make such other order as he deems advisable under the circumstances.

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** This Act may be cited as *The City of Belleville Act, 1962-63 (No. 2)*.

## CHAPTER 151

**An Act respecting  
The Belleville General Hospital**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Belleville Preamble and The Corporation of the County of Hastings by their petition have represented that, pursuant to *The City of Belleville Act, 1948*, 1948, c. 102 The Corporation of the City of Belleville owns and operates a hospital known as "The Belleville General Hospital"; and whereas the petitioners deem it desirable to repeal such Act and to enter into joint ownership of such hospital, and any extensions and additions thereto, and to entrust the general management, operation and maintenance thereof to a corporation to be created and to be known as "The Board of Governors of the Belleville General Hospital"; and whereas the petitioners have prayed for special legislation for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,****Interpre-  
tation**

- (a) "Board" means The Board of Governors of the Belleville General Hospital appointed under this Act;
- (b) "City" means The Corporation of the City of Belleville;
- (c) "County" means The Corporation of the County of Hastings;
- (d) "Governor" means a member of the Board;
- (e) "Hospital" means the hospital now known as The Belleville General Hospital and all hereafter-acquired extensions and additions thereto.

Board of  
Governors

2.—(1) The Hospital shall be managed and operated by a board of sixteen Governors, which shall be a corporation under the name of "The Board of Governors of the Belleville General Hospital", and by that name the Board has perpetual succession and a corporate seal and may under that name sue and be sued, and contract and be contracted with.

## Idem

R.S.O. 1960,  
c. 322

(2) One of the Governors shall be appointed by the Lieutenant Governor in Council and shall hold office during his pleasure; five shall be appointed by the council of the City; three shall be appointed by the council of the County; two shall be appointed by The Women's Christian Association of the City; one shall be appointed annually by the Women's Hospital Auxiliary of the City; two shall be members of the medical staff of the Hospital, as required by *The Public Hospitals Act* and the regulations thereunder; one shall be the head of the council of the City, and one shall be the Warden of the County.

Terms of  
office

(3) The terms of office of the Governors appointed by the council of the City shall, in the first instance, be regulated as follows: one of such Governors shall hold office until the end of the first year after his appointment; two of such Governors shall hold office until the end of the second year after their appointment; and two shall hold office until the end of the third year after their appointment, and thereafter, on the expiration of the term of office of a City appointee, the council of the City shall appoint a successor who shall hold office for a term of three years.

## Idem

(4) The terms of office of the Governors appointed by the council of the County shall, in the first instance, be regulated as follows: one shall be appointed from the members of the County council and shall hold office until the end of the first year after his appointment; one shall hold office until the end of the second year after his appointment; and one shall hold office until the end of the third year after his appointment, and thereafter the council of the County shall appoint one member annually from the members of the council of the County and, on the expiration of the term of office of each of the remaining County appointees, shall appoint a successor who shall hold office for a term of three years.

## Qualification

(5) The Governors appointed by the City and County councils shall be persons eligible to vote at municipal elections of the City and County respectively.

Term of  
office

(6) The Governors shall remain in office until their successors are appointed.



(7) The Governors, other than those appointed to the first Board, shall be appointed in the month of January in each year in which an appointment is to be made. <sup>Time of appointment</sup>

(8) A Governor, whose term of office has expired, shall be eligible for re-appointment. <sup>Re-appointment</sup>

(9) Whenever from any cause the office of an appointed Governor becomes vacant prior to the expiration of his term of office, his successor shall be appointed within ninety days by the appointing authority, and the person so appointed shall hold office for the remainder of the term of the Governor whose place he is appointed to fill. <sup>Vacancies</sup>

(10) Nine members shall constitute a quorum of the Board. <sup>Quorum</sup>

(11) Any member of the Board appointed by the council of the City or of the County or by The Women's Christian Association of the City or the Women's Hospital Auxiliary of the City, who is absent from four successive regular meetings of the Board, shall cease to be a member of the Board unless he has obtained leave of absence from the body by which he was appointed. <sup>Absence of members</sup>

**3.**—(1) Subject to *The Public Hospitals Act* and any regulations made thereunder, *The Hospital Services Commission Act* and any regulations made thereunder, and the provisions of section 9, the Board shall have charge of and supervision over the work of operating, maintaining, altering, enlarging, erecting, furnishing and equipping the Hospital, including, but without limiting the generality of the foregoing, power, <sup>Powers of Board</sup> <sup>R.S.O. 1960, cc. 322, 176</sup>

- (a) to make all such expenditures and to enter into all such contracts and agreements as may be necessary or convenient for such purposes, provided that no purchase of supplies, contract, agreement or expenditure shall be made or entered into unless money is available or has been appropriated by the councils of the City and County for such purposes;
- (b) to sell or otherwise dispose of personal property no longer required for the purposes of the Hospital to an amount not exceeding \$2,000 in any calendar year;
- (c) to borrow from time to time, for the purpose of the general maintenance of the Hospital, moneys on the credit of the Hospital to an amount not exceeding \$2,500 at any one time;

(d)

R.S.O. 1960,  
c. 322

- (d) to enact by-laws, as prescribed by the regulations under *The Public Hospitals Act*, for the management of the Hospital, which shall be submitted to the Hospital Services Commission of Ontario;
- (e) to appoint and to suspend or remove such employees as may be deemed necessary for the general management, operation and maintenance of the Hospital, and to fix their remuneration and prescribe their duties and working conditions;
- (f) to provide pensions, to establish a plan of sick leave credit gratuities and to provide group life insurance for its employees, or any class thereof, and to provide group accident insurance and group sickness insurance and hospital, medical, surgical, nursing or dental services, or payment therefor, for its employees, or any class thereof, and their wives or husbands and children, and to contribute toward the cost thereof and toward the cost to its employees of any health plan provided or authorized by the Province of Ontario;
- (g) subject to *The Hospital Services Commission Act* and to any regulations made thereunder, to fix the fees to be charged patients for accommodation in and services rendered by the Hospital.

Custody  
of property

- (2) The Board shall have custody of all property, both real and personal, used or held for the purposes of the Hospital.

Vesting of  
title to  
property

- 4. All real and personal property of the Hospital now vested in the City, and all real and personal property hereafter and however acquired for the purposes of the Hospital, shall be vested jointly in the City and County in the proportion of 65 per cent City and 35 per cent County.

Acquisition  
of property  
R.S.O. 1960,  
cc. 322, 176

- 5. Subject to *The Public Hospitals Act* and *The Hospital Services Commission Act*, the City and County may acquire jointly, in the proportions aforesaid, all such land as they deem necessary for the purposes of the Hospital and, without limiting the generality of the foregoing, may acquire such land by gift, purchase or expropriation, and may erect Hospital buildings and alter, enlarge, equip, furnish and maintain such real property and buildings and equipment.

Provision  
of funds

- 6. The respective councils of the City and County are hereby authorized to provide funds for the purposes aforesaid, and for such other purposes as may become necessary in the operation of the Hospital, by the issue, without the assent of the electors but subject to the approval of the Ontario

Municipal Board, of debentures of the City or County, or both, as the councils of the City and County may agree, or by imposing rates on all the taxable property in the City and County, the City to contribute 65 per cent of the total sums so provided, and interest or other charges thereon, and the County 35 per cent of the same.

7. Subject to *The Public Hospitals Act* and *The Hospital Services Commission Act*, the City and County may jointly dispose of any real or personal property that is declared by the Board to be no longer needed for the purposes of the Hospital, and the proceeds of such disposal shall be used for the purposes of the Hospital, and, except as otherwise provided herein, no real or personal property shall be disposed of except by the joint agreement of the councils of the City and County.

Disposal of property R.S.O. 1960, cc. 322, 176

8. Except as provided in section 11, the present debenture indebtedness and any other indebtedness of the City incurred for the purposes of the Hospital shall be and remain the sole liability of the City.

Present indebtedness of City

9.—(1) The Board shall prepare and submit to the councils of the City and County in each year,

Estimates

(a) copies of the estimates for the current year of all sums required to meet expenditures for the operation and maintenance of the Hospital for that year, duly approved by the Hospital Services Commission of Ontario;

(b) estimates for the current year of all sums required to meet expenditures for the operation and maintenance of the Hospital for that year over and above the sums approved by the Hospital Services Commission of Ontario; and

(c) estimates for all capital expenditures to be met during that year.

(2) The estimates in clause *a* of subsection 1 shall be submitted to the councils within one week of receipt by the Board, and the estimates in clauses *b* and *c* of subsection 1 shall be submitted to the councils on or before the 15th day of March in each year for approval.

Approval of estimates

(3) All estimates shall include and make due allowance for the amount of any surplus or deficit remaining at the end of the preceding year and the revenue estimated to be derived from legislative grants and from all other sources.

Allowance for surplus or deficit



Special  
annual rate

**10.** The council of the City shall in each year assess and levy by a special rate on all the rateable property in the City a sum sufficient to meet 65 per cent of the estimated excess of expenditures over revenue for the operation and maintenance of the Hospital for that year, and of the estimates of the expenditures for permanent improvements that have received the joint approval of the councils of the City and County and are to be paid out of current funds, and the council of the County shall in each year assess and levy a special rate on all the rateable property in the County a sum sufficient to meet 35 per cent of such excess and of such estimates of expenditures for permanent improvements.

Excess  
revenue

**11.** If at the end of any year there is an excess of revenue over expenditures as indicated by the auditor's statement, such excess may be applied firstly in payment of or partial payment of any amounts falling due in that year by virtue of the debenture indebtedness of the City under by-laws of the City numbered 5655, 5870, 6138 and 6228, and, if there shall then remain any balance of such excess, it may, at the joint direction of the councils of the City and County, be applied in reduction of any debenture indebtedness incurred for the purposes of the Hospital after the coming into force of this Act.

Disposition  
of money

**12.** All moneys received by the Board or by the officer in charge of the Hospital for the uses thereof shall be deposited in a special account to be kept in the name of the Board in a chartered bank in the City of Belleville or in a trust company registered under *The Loan and Trust Corporations Act* or invested in securities authorized under *The Trustee Act*.

R.S.O. 1960,  
cc. 222, 408

Cheques

**13.** All cheques drawn upon such account shall be signed in such manner or by such means as the Board may designate from time to time.

Appointment  
of auditor  
R.S.O. 1960,  
c. 317

**14.—(1)** An auditor, who shall be a person licensed under *The Public Accountancy Act*, shall be appointed by the Board.

Audit

**(2)** The auditor shall audit annually, and at such other times as he may be directed by the Board, the books of account and the expenditures and revenues of the Hospital, and shall prepare and submit to the councils of the City and County by the 15th day of March in each year a report showing the revenues and expenditures made by and on behalf of the Hospital during the preceding year, and the assets and liabilities of the Hospital.

Report of  
improper  
expenditures

**(3)** The auditor shall report to the councils of the City and County upon any expenditures made by the Board contrary to law or the provisions of this Act.



**15.** All gifts, trusts, bequests, devises and grants of real or personal property, or the income or proceeds thereof, heretofore or hereafter expressed by any person or corporation by deed or will, or otherwise howsoever, to be made, given or conveyed to the Hospital or to the Board, or to the City or to the County for the purposes of the Hospital, shall, in so far as the same shall not have vested in possession or been carried into effect at the date of the coming into force of this Act, in the absence of an expressed intention to the contrary set out in such deed or will, be construed as though the same had been expressly made to the City and the County jointly in the proportions aforesaid for the purposes of the Hospital, and shall be paid over, granted or conveyed by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will to the City and County jointly in the proportions aforesaid for the purposes of the Hospital.

Gifts to  
Hospital  
deemed  
gifts to  
Board

**16.** All claims, accounts and demands arising from or relating to the management, operation or maintenance of the Hospital, or from the exercise of any of the powers of the Board, shall be made upon and brought against the Board and not upon or against the City or the County.

Claims

**17.** If at the end of five years from the day this Act comes into force or at the end of any subsequent five-year period there is a substantial change in the proportionate use of the facilities of the Hospital by residents of the City and residents of the County residing outside the corporate limits of the City, the City and County may make such adjustment to their proportionate contributions for the purposes of the Hospital as may be agreed upon, and the respective interests of the City and County in the real and personal property of the Hospital shall be adjusted accordingly, such adjustment to be made by by-laws of the City and County.

Change in  
use of  
Hospital

**18.** Notwithstanding any other provision of this Act, the councils of the City and County, in determining any matter required to be determined by them under this Act, shall have an equal voice.

Equality of  
councils

**19.** The following are repealed:

Repeal:

1. *The City of Belleville Act, 1948.*

1948, c. 102

2. *The Belleville General Hospital Act, 1955.*

1955, c. 95

3. *The City of Belleville Act, 1961-62.*

1961-62,  
c. 144

**20.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**21.** This Act may be cited as *The Belleville General Hospital Act, 1962-63.*

Short title



## CHAPTER 152

## An Act respecting The Boys' Home

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Boys' Home by its petition has repre-<sup>Preamble</sup>  
sented that it was incorporated by *An Act to incorporate*  
“*The Boys' Home*” of the City of Toronto, being chapter 114  
of the Statutes of the Province of Canada, 1861, as amended  
by *An Act to amend the Act Incorporating “The Boys' Home,”*  
of the City of Toronto, being chapter 143 of the Statutes of  
Ontario, 1913; and whereas the petitioner has prayed for  
special legislation varying the provisions of its Act of Incorporation, as amended, in relation to its organization, government and administration, and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) “Home” means The Boys' Home;
- (b) “Managers” means the Board of Directors of the Home;
- (c) “property” includes all property, both real and personal.

**2.** The Boys' Home, as incorporated by *An Act to incor-<sup>Home continued</sup>*  
*porate “The Boys' Home” of the City of Toronto*, being chapter 114 of the Statutes of the Province of Canada, 1861, as amended by *An Act to amend the Act Incorporating “The Boys' Home,” of the City of Toronto*, being chapter 143 of the Statutes of Ontario, 1913, is hereby continued as a body corporate, and, subject to the provisions of this Act, has and may hold, possess and enjoy all the property, rights, powers and privileges that it now has, holds, possesses and enjoys.

## Objects

**3.** The objects of the Home are,

- (a) to provide for destitute, homeless or needy boys by the maintenance of a home or homes in The Municipality of Metropolitan Toronto as it shall from time to time exist, or in other ways; and
- (b) to support any other charitable project or projects to the same ends.

## Managers

**4.** The Managers, as constituted from time to time, and all persons who hereafter become associated with them as members of the Home in accordance with the by-laws of the Home are the body corporate continued under the name "The Boys' Home".

Management  
of Home

**5.** The affairs of the Home shall be managed and conducted by the Managers, who shall be not fewer than five persons and who shall have the qualifications, be elected or be appointed and hold office for such term or terms as the by-laws of the Home from time to time provide.

## Officers

**6.** The Managers shall each year elect from among themselves a President, one or more Vice-Presidents, a Secretary and a Treasurer, who shall hold office during the year or until their successors are elected.

## By-laws

**7.** The Managers have power to pass by-laws,

- (a) respecting the membership of the Home; and
- (b) for the general management and to carry out the objects of the Home.

Property  
R.S.O. 1960,  
c. 246

**8.** The Home has power, subject to *The Mortmain and Charitable Uses Act*,

- (a) to purchase or otherwise acquire, take or receive by gift, bequest or devise, and to hold and enjoy, any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease or otherwise dispose of such estate or property or any part thereof from time to time as occasion may require, and to acquire other estate or property in addition thereto or in place thereof;
- (b) to borrow money upon the credit of the Home, issue bonds, debentures, debenture stock or other securities, and pledge or sell such bonds, debentures, debenture stock or other securities.



**9.** Subject to *The Charitable Gifts Act*, the funds of the Home not immediately required for its objects and the proceeds of all property that come into the Home, subject to any trusts affecting the same, may be invested and re-invested in any or all of the following modes or objects of investment:

Investment  
of funds  
R.S.O. 1960,  
c. 50

1. In any manner for the time being prescribed by statute for the investment of trust funds.
2. In the bonds, debentures or other evidences of indebtedness of any company incorporated under the laws of Canada, or of any province of Canada, or of any state of the United States of America, whether such bonds, debentures or other evidences of indebtedness are secured or unsecured.
3. In the preference shares of any company incorporated as aforesaid that has in each of the five years next preceding the purchase of such shares paid dividends thereon at the preferential rate carried by them.
4. In the preference or common shares of any company incorporated as aforesaid that has paid dividends upon its common shares to a total amount of not less than \$200,000, either in United States or Canadian dollars, in each of the five years next preceding the purchase of such shares,

and all property and revenue of the Home shall be applied for the attainment of the objects for which the Home is constituted.

**10.** The following are repealed:

Repeal

1. *An Act to incorporate "The Boys' Home" of the City of Toronto*, being chapter 114 of the Statutes of the Province of Canada, 1861.
2. *An Act to amend the Act Incorporating "The Boys' Home," of the City of Toronto*, being chapter 143 of the Statutes of Ontario, 1913.

**11.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**12.** This Act may be cited as *The Boys' Home Act, 1962-63*.

Short title



## CHAPTER 153

**An Act respecting the Township of Bruce**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Township of Bruce <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Plan Three, Township of Bruce, in the County of <sup>Plan Three removed</sup> Bruce, shall be removed from the records of the Registrar of Deeds in the County of Bruce, all lots contained therein shall be cancelled and all streets therein closed, and the lands contained therein shall revert to the original township lots.

2. The southerly portion of Plan One, being a subdivision <sup>Part of Plan One removed</sup> of Lots 34 and 35 in the Lake Range of the Township of Bruce, in the County of Bruce, shall be removed from the records of the Registrar of Deeds of the County of Bruce, and all lots from the northerly limit of Wellington Street to the southerly limit of such Plan One shall be cancelled and all streets contained therein shall be closed, and also that portion of Toronto Street on such Plan One from the northerly limit of Wellington Street to the northerly limit of Elizabeth Street shall be closed, and the lands contained therein shall revert to the original township lots.

3. All the lands described in Schedule A hereto are vested <sup>Lands vested in Township</sup> in fee simple in The Corporation of the Township of Bruce, in the County of Bruce.

4. The agreements of sale entered into by The Corporation <sup>Agreements of sale, confirmed</sup> of the Township of Bruce, described in Schedule B hereto, are ratified and confirmed and declared to be valid and binding upon the parties thereto, and the parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

Copy of  
Act to be  
registered  
in Registry  
Office

**5.** The clerk of the Township of Bruce shall register a copy of this Act within sixty days after the passing thereof in the Bruce County Registry Office.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Township of Bruce Act, 1962-63.*



## SCHEDULE A

Lots 29 and 30 in the Lake Range of the Township of Bruce in the County of Bruce, save and excepting thereout those portions of said lots expropriated by The Hydro-Electric Power Commission of Ontario as shown in Plan deposited in the Bruce County Registry Office as No. 1965.

Lots 31, 32, 33, 34 and 35 in the Lake Range of the Township of Bruce in the County of Bruce.

## SCHEDULE B

## AGREEMENTS OF SALE

1. Agreement of Sale dated the 25th day of July, 1961, between The Corporation of the Township of Bruce, Vendor, and A. Hugh Smith, Purchaser, of the following lands:

Part of Lot 31, Lake Range, Township of Bruce in the County of Bruce and Province of Ontario, and premising that the astronomic bearing of the southerly limit of said Lot 31 is N.  $61^{\circ} 08' 30''$  W. and relating all bearings herein thereto.

COMMENCING at a point in the southerly limit of said Lot 31 distant 38.56 feet measured S.  $61^{\circ} 08' 30''$  E. thereon from the south-westerly angle of said Lot being distant 1.44 feet measured N.  $61^{\circ} 08' 30''$  W. thereon from an iron survey monument planted in the said southerly limit by Municipal Survey No. 826;

THENCE N.  $30^{\circ} 41' 10''$  E. along the line of a fence, a distance of 135.98 feet;

THENCE S.  $51^{\circ} 58' 20''$  E. along the line of a fence a distance of 168.86 feet;

THENCE S.  $38^{\circ} 30' 50''$  W. along the line of a fence a distance of 110.57 feet to the said southerly limit of said Lot;

THENCE N.  $61^{\circ} 08' 30''$  W. along said southerly limit a distance of 152.50 feet to the point of commencement.

2. Agreement of Sale dated the 28th day of July, 1961, between The Corporation of the Township of Bruce, Vendor, and R. C. Walker, Purchaser, of the following lands:

Part of Lot 31 in the Lake Range of the Township of Bruce in the County of Bruce and Province of Ontario, more particularly described as follows:

COMMENCING at a point within said Lot distant 255.5 feet measured N.  $28^{\circ} 51' 30''$  E. from a point in the southerly limit of said Lot distant 136.0 feet measured S.  $61^{\circ} 08' 30''$  E. thereon from the southwesterly angle of said Lot as established by Municipal Survey No. 826;

THENCE N.  $89^{\circ} 21' 30''$  E. a distance of 100.0 feet;

THENCE N.  $0^{\circ} 38' 30''$  W. a distance of 150 feet to the westerly limit of said Lot;

THENCE southwesterly along said limit a distance of 100 feet to the intersection thereof with a line drawn through the point of commencement on a bearing of N.  $0^{\circ} 38' 30''$  W.;

THENCE S.  $0^{\circ} 38' 30''$  E. along the said line a distance of 150 feet to the point of commencement.

3. Agreement of Sale dated the 28th day of July, 1961, between The Corporation of the Township of Bruce, Vendor, and Dorothe Catherine MacLennan, Administratrix of the Estate of John MacLeod MacLennan, Purchaser, of the following lands:

Lot 34 in the Lake Range of the Township of Bruce in the County of Bruce and Province of Ontario.

4. Agreement of Sale dated the 28th day of July, 1961, between The Corporation of the Township of Bruce, Vendor, and John McColl, Purchaser, of the following lands:

All of Lot 35 in the Lake Range of the Township of Bruce in the County of Bruce and Province of Ontario.

5. Agreement of Sale dated the 25th day of July, 1961, between The Corporation of the Township of Bruce, Vendor, and Gordon Robinson, Purchaser, of the following lands:

A part of that part of Lots 29 and 30 in the Lake Range of the Township of Bruce lying east of Baie Du Dore.

COMMENCING at a point in the northerly limit of said Lot 30 a distance of 234.55 feet measured S.  $61^{\circ} 08' 30''$  E. thereon from an iron survey monument planted at the northwesterly angle of said Lot 30 as shown on Municipal Survey No. 826;

THENCE S.  $57^{\circ} 46'$  W. a distance of 158.52 feet;

THENCE N.  $58^{\circ} 34' 50''$  W. a distance of 34.99 feet;

THENCE S.  $56^{\circ} 56' 40''$  W. a distance of 252.40 feet;

THENCE S.  $67^{\circ} 42' 40''$  W. a distance of 145 feet, more or less, to the westerly limit of said part of Lot 30;

THENCE southerly along said westerly limit and the westerly limit of said part of Lot 29, a distance of 1000 feet, more or less, to the southerly limit of said Lot 29;

THENCE S.  $61^{\circ} 04'$  E. along said southerly limit a distance of 900 feet more or less to easterly limit of said Lot 29;

THENCE N.  $28^{\circ} 49'$  E. along the easterly limits of said Lots 29 and 30 a distance of 1353.88 feet to the northerly limit of said Lot 30;

THENCE N.  $61^{\circ} 08' 30''$  W. along said northerly limit a distance of 457.65 feet to the point of commencement.

6. Agreement of Sale dated the 25th day of July, 1961, between The Corporation of the Township of Bruce, Vendor, and Russell Dalgleisch, Purchaser, of the following lands:

Part of Lot 30, Lake Range in the Township of Bruce in the County of Bruce and Province of Ontario, and premising that the astronomic bearing of the northerly limit of said Lot 30 is N.  $61^{\circ} 08' 30''$  W. and relating all bearings herein thereto.

COMMENCING at a point in the northerly limit of said Lot distant 161.95 feet measured S.  $61^{\circ} 08' 30''$  E. thereon from an iron survey monument planted at the northwesterly angle of said Lot;

THENCE S.  $61^{\circ} 08' 30''$  E. along said northerly limit a distance of 72.60 feet;

THENCE S.  $57^{\circ} 46' 00''$  W. to and along the line of a fence a distance of 158.52 feet to its intersection with a fence running northwesterly;

THENCE N.  $58^{\circ} 34' 50''$  W. along the line of said fence a distance of 69.59 feet to its intersection with a fence running S.  $57^{\circ} 19' 30''$  W. from the point of commencement;

THENCE N.  $57^{\circ} 19' 30''$  E. along the line of said fence a distance of 154.31 feet to the said point of commencement.

7. Agreement of Sale dated the 24th day of July, 1961, between The Corporation of the Township of Bruce, Vendor, and Agnes Kettenhoffen, Purchaser, of the following lands:

Part of Lot 30, Lake Range in the Township of Bruce in the County of Bruce and Province of Ontario, and premising that the astronomic bearing of the northerly limit of said Lot 30 is N. 61° 08' 30" W. and relating all bearings herein thereto:

*Firstly:*

COMMENCING at an iron survey monument planted at the north-westerly angle of said Lot;

THENCE S. 61° 08' 30" E. along the northerly limit of said Lot a distance of 161.95 feet;

THENCE S. 57° 19' 30" W. to and along the line of a fence a distance of 154.31 feet to a bend in said fence;

THENCE S. 58° 20' 00" W. continuing along said fence a distance of 101.0 feet to its intersection with a fence running in a northwesterly direction;

THENCE N. 36° 56' 40" W. along the line of the last-mentioned fence, a distance of 154 feet, more or less, to the westerly limit of said Lot according to Municipal Survey No. 826;

THENCE in a general northeasterly and northerly direction along said westerly limit a distance of 195 feet, more or less, to the point of commencement.

*Secondly:*

COMMENCING at a point which may be located thus:

BEGINNING at an iron survey monument planted at the northwesterly angle of said Lot 30;

THENCE S. 61° 08' 30" E. along the northerly limit of said Lot, a distance of 161.95 feet;

THENCE S. 57° 19' 30" W. a distance of 154.31 feet to the point of commencement;

THENCE S. 58° 20' 00" W. along the line of a fence a distance of 258.34 feet to its intersection with a fence running southeasterly;

THENCE S. 62° 02' 10" E. along the line of said fence, a distance of 42.86 feet to its intersection with a fence running northeasterly and southwesterly;

THENCE N. 56° 56' 40" E. along the line of said fence, a distance of 252.40 feet to its intersection with a fence running S. 58° 34' 50" E. from the said point of commencement;

THENCE N. 58° 34' 50" W. along the line of said fence, a distance of 34.60 feet to the said point of commencement.

8. Agreement of Sale dated the 25th day of July, 1961, between The Corporation of the Township of Bruce, Vendor, and John Bragg, Purchaser, of the following lands:

Part of Lot 30 in the Lake Range of the Township of Bruce in the County of Bruce and Province of Ontario, more particularly described as follows:

COMMENCING at a point which may be located thus:

BEGINNING



BEGINNING at an iron survey monument planted at the north-westerly angle of said Lot;

THENCE S.  $61^{\circ} 08' 30''$  E. along the northerly limit of said Lot a distance of 161.95 feet;

THENCE S.  $57^{\circ} 19' 30''$  W. a distance of 154.31 feet;

THENCE S.  $58^{\circ} 20' 00''$  W. a distance of 101.0 feet to the point of commencement;

THENCE S.  $58^{\circ} 20' 00''$  W. along the line of a fence, a distance of 43.5 feet;

THENCE N.  $48^{\circ} 00'$  W. a distance of 125 feet, more or less, to the westerly limit of said Lot according to Municipal Survey No. 826;

THENCE in a general northerly direction, along said westerly limit a distance of 150 feet, more or less, to its intersection with a fence running N.  $36^{\circ} 56' 40''$  W. from the point of commencement;

THENCE S.  $36^{\circ} 56' 40''$  E. along the line of said fence, a distance of 154 feet, more or less, to the point of commencement.

9. Agreement of Sale dated the 25th day of July, 1961, between The Corporation of the Township of Bruce, Vendor, and Clayton Beam, Purchaser, of the following lands:

Part of Lot 30 in the Lake Range of the Township of Bruce in the County of Bruce and Province of Ontario, more particularly described as follows:

COMMENCING at a point which may be located thus:

BEGINNING at an iron survey monument planted at the north-westerly angle of said Lot;

THENCE S.  $61^{\circ} 08' 30''$  E. along the northerly limit of said Lot, a distance of 161.95 feet;

THENCE S.  $57^{\circ} 19' 30''$  W. a distance of 154.31 feet;

THENCE S.  $58^{\circ} 20' 00''$  W. a distance of 207.50 feet to the point of commencement;

THENCE S.  $58^{\circ} 20' 00''$  W. along the line of a fence, a distance of 50.84 feet to its intersection with a fence running southeasterly;

THENCE S.  $62^{\circ} 02' 10''$  E. along the line of said fence, a distance of 42.86 feet to its intersection with a fence running northeasterly and southwesterly;

THENCE S.  $67^{\circ} 42' 40''$  W. along the line of said fence, a distance of 145 feet, more or less, to its intersection with the westerly limit of said Lot according to Municipal Survey No. 826;

THENCE in a general northeasterly direction along said westerly limit, a distance of 180 feet, more or less, to its intersection with a fence running N.  $39^{\circ} 19' 40''$  W. from the said point of commencement;

THENCE S.  $39^{\circ} 19' 40''$  E. along the line of said fence, a distance of 56 feet, more or less, to the said point of commencement.



## CHAPTER 154

**An Act respecting the Town of Burlington**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Town of Burlington, <sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council may, out of current revenues of the Corporation, grant in the year 1963 such sum or sums of money, <sup>Grants authorized</sup> not exceeding in the aggregate \$5,000, in addition to the \$5,000 authorized in section 2 of *The Town of Burlington Act*, <sup>1960-61, c. 106</sup> 1960-61, in aid of institutions, associations or persons, for the carrying on of activities that, in the opinion of the council, are for the general advantage of the inhabitants of the Corporation, and for which grant or grants there is no express authority provided by any other Act.

2. The Town of Burlington shall be deemed to be a township for the purposes of section 27 of *The Game and Fisheries Act*. <sup>Burlington deemed township for R.S.O. 1960, c. 158</sup>

3. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

4. This Act may be cited as *The Town of Burlington Act*. <sup>Short title</sup> 1962-63.





## CHAPTER 155

## An Act respecting the County of Carleton

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the County of Carleton <sup>Preamble</sup>  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it  
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.**—(1) The Corporation of the County of Carleton shall <sup>Debenture  
by-law  
authorized</sup>  
pass a by-law, without obtaining the approval of the Ontario  
Municipal Board and without the recital of the Ontario  
Municipal Board approval therein, to borrow the sum of  
\$136,000 upon debentures made payable in not more than  
ten years to pay for its capital expenditures made on county  
roads during the year 1962, and the by-law when duly passed  
shall be legal, valid and binding upon the Corporation.

(2) Sections 55, 56, 57 and 58 of *The Ontario Municipal* <sup>Application  
of R.S.O.  
1960, c. 274</sup>  
*Board Act* apply to the by-law passed under subsection 1 and  
to the debentures issued thereunder.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
Assent.

**3.** This Act may be cited as *The County of Carleton Act*, <sup>Short title</sup>  
1962-63.



## CHAPTER 156

# An Act respecting The Chatham Community Young Men's Christian Association

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**W**HEREAS The Chatham Community Young Men's Preamble  
Christian Association, herein called the Association, by its petition has represented that it was incorporated on the 9th day of March, 1950, that it has recently acquired lands and erected buildings thereon, having previously operated from rented or public buildings and lands, and that such recently-acquired lands and buildings have been assessed and taxed by The Corporation of the City of Chatham; and whereas the petitioner has prayed for special legislation to exempt its real property, owned and used or occupied and used by it in the City of Chatham, from municipal taxation, except for local improvement rates; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Tax exemption authorized  
Chatham may pass by-laws exempting from taxes for municipal or school purposes, or both, other than local improvement rates, the land, as defined in *The Assessment Act*, of The R.S.O. 1960. c. 23  
Chatham Community Young Men's Christian Association, provided that the land is owned and used or occupied and used solely for the purposes of the Association, on such conditions as may be set out in the by-laws.

(2) Nothing in this Act empowers The Corporation of the Application to residences  
City of Chatham to exempt from taxes for municipal or school purposes, or both, any part of a building of the Association used as a residence.

2. This Act comes into force on the day it receives Royal Commencement  
Assent.

3. This Act may be cited as *The Chatham Community* Short title  
*Y.M.C.A. Act, 1962-63.*





## CHAPTER 157

**An Act to incorporate the Association of  
the Chemical Profession of Ontario**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS the persons named in section 1 by their **Preamble**  
petition have represented that they are desirous of  
being incorporated under the name "Association of the  
Chemical Profession of Ontario", herein called the Association,  
for the purposes of increasing the knowledge, skill and pro-  
ficiency of its members in all things relating to chemistry  
and chemical engineering and of carrying out generally the  
objects of the Association; and whereas the petitioners have  
prayed that special legislation be passed for such purposes;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** J. A. Drum, E. B. Lusby, H. N. Potter, L. J. Rubin, **Association**  
A. E. R. Westman and G. F. Wright, all of the City of **incorporated**  
Toronto in the County of York; E. A. Crockett, of the City  
of Sarnia in the County of Lambton; J. K. Laidler and I. R.  
Puddington, of the City of Ottawa in the County of Carleton;  
R. H. Manske, of the City of Guelph in the County of  
Wellington; and J. W. Hodgins, of the City of Hamilton in  
the County of Wentworth, and such other persons as hereafter  
may become members of the Association, are hereby consti-  
tuted a body corporate and politic under the name "Associa-  
tion of the Chemical Profession of Ontario".

**2.** The objects of the Association are to promote and **Objects**  
increase the knowledge, skill and proficiency of its members  
in all things relating to chemistry and chemical engineering  
and to regulate the standards of the chemical practice of its  
members.

**3.—(1)** Any person who is of the full age of twenty-one **Membership**  
years or more and provides satisfactory evidence of good  
character shall be registered as a member of the Association,

- (a) if he is a graduate from a university, college or institution recognized by the Council in pure or applied science, with chemistry or chemical engineering as the principal subject; or
- (b) if he holds a degree, other than in chemistry or chemical engineering, from a college or university and satisfies the Council that he possesses qualifications equivalent to those required under clause *a*; or
- (c) if he holds membership in good standing in a professional chemical or chemical engineering body having standards for admission to professional membership in that body that, in the opinion of the Council, are equivalent to those required under clause *a*; or
- (d) if he is a resident of Ontario who, within one year after the day this Act comes into force, files an application with the Council in that behalf and satisfies the Council by credentials or otherwise that he, by reason of experience, training or examinations, possesses qualifications similar to those required by this Act and the by-laws of the Association; or
- (e) if he has passed the one or more examinations prescribed by the Council and designed to show knowledge and skill equal to that obtained through graduation from an approved course in chemistry or chemical engineering, and he gives a record of five years or more experience of work in chemistry or chemical engineering or in a branch of applied science acceptable to the Council.

**Residence  
requirement**

(2) The Council may waive any requirement of residence in Ontario if it is established by the application for membership that such applicant resides in a neighbouring province or state and commutes to his employment in Ontario.

**Certificate  
of  
membership**

4. Every applicant who qualifies for registration and has paid the required fees shall be issued a certificate of membership under the seal of the Association and the signatures of the president and secretary-treasurer.

**Property  
R.S.O. 1960,  
cc. 50, 246**

5. Subject to the provisions of *The Charitable Gifts Act* and *The Mortmain and Charitable Uses Act*, the Association may,

- (a) acquire by purchase, lease, gift, devise, bequest or donation, or otherwise, and hold real and personal property for its purposes, and may sell, exchange,

lease,

lease, mortgage or otherwise dispose of such real and personal property or any part thereof as occasion may require; and

- (b) for the purpose of establishing a scholarship fund or other educational assistance, solicit, acquire, accept or receive gifts, donations, bequests or subscriptions of money or other real or personal property, and may hold, manage, improve, develop, exchange, lease, sell, turn to account or otherwise deal with such real or personal property obtained for such purpose.

**6.**—(1) There shall be a council of the Association, herein **Council** called the Council, which shall control and manage the affairs of the Association.

(2) The Council shall consist of not fewer than nine and **Composition** not more than fifteen members as the by-laws prescribe, all of whom shall be elected for such term and in such manner as the by-laws provide.

(3) In the case of death, resignation or incapacity of any **Vacancies** member of the Council, the office may be declared vacant by the Council, and the Council may fill the vacancy in such manner as the by-laws provide, and absence from three consecutive meetings or cancellation or suspension of registration may be treated by the Council as incapacity.

(4) The Council may appoint a secretary-treasurer and **Secretary-treasurer, etc.** such other officers and employees as may be provided for in the by-laws.

(5) The same person may hold more than one office. **Holding of two offices**

**7.**—(1) The Council may pass by-laws, not contrary to **By-laws** law or to the provisions of this Act, for all purposes relating to the affairs, business and property of the Association, its management, government, aims, objects and interests, including,

- (a) prescribing the number of and the terms of office of the members of the Council;
- (b) providing for the election of the members of the Council and for the filling of vacancies thereon;
- (c) providing for the election or appointment of such officers of the Association as are necessary for carrying out the purposes of the Association, and prescribing their powers and duties;

(d)



- (d) providing for any remuneration and reimbursement of members of the Council and the officers and employees of the Association;
- (e) fixing the dates and places of meetings of the Association and the Council, and prescribing the manner of calling and conducting such meetings;
- (f) providing for the fixing, levying and collecting of fees payable upon application for registration and renewal of registration, and prescribing the penalties for failure to make such payments;
- (g) providing for the keeping of a register of members and the conditions and procedure of registration, annual renewal of registration and the cancellation or suspension of registration;
- (h) providing for the management of the property of the Association;
- (i) prescribing a code of ethics to govern the discipline, conduct and control of members;
- (j) governing the expenditures and all disposition of the revenue of the Association, and prescribing the books and records to be kept, and providing for audits;
- (k) providing for qualifications of membership in addition to those prescribed in section 3;
- (l) providing for the forms of certifications of registration and their renewal;
- (m) regulating the conduct of the members of the Association, including the suspension or expulsion of any member for misconduct or violation of the by-laws of the Association;
- (n) providing for a board of examiners, and prescribing its powers and duties;
- (o) providing for the form of application, the examination of applicants and proof of academic qualification, experience in chemistry or chemical engineering, and any other qualifications required for registration;
- (p) providing for the re-examination of applicants and for the procedure and conditions of restoring registration where such registration has been cancelled or suspended by the Council;



- (g) respecting any matter deemed necessary or advisable for the effective management of the Association and the conduct of its business.

(2) No by-law shall come into force until approved at an annual general meeting of the Association or at a special general meeting called for the purpose of considering the by-law. <sup>Approval of by-laws</sup>

8.—(1) There shall be a provisional council composed of the persons mentioned in section 1. <sup>Provisional council</sup>

(2) The provisional council shall prepare provisional by-laws for the purposes set out in section 7. <sup>Provisional by-laws</sup>

(3) The provisional council, within six months after the day this Act comes into force, shall call a general meeting of the members of the Association for the purposes of organization, of approving the provisional by-laws and of electing the members of the Council. <sup>General meeting</sup>

9. Any surplus moneys derived from carrying on the affairs and business of the Association shall be devoted solely to promoting and carrying out its objects. <sup>Surplus</sup>

10. Nothing in this Act affects the practice of any profession or calling by any person practising such profession or calling under any general or special Act, and nothing in this Act or the by-laws passed by the Council pursuant to this Act shall be taken or deemed to relieve any person from compliance with any general or special Act relating to the practice of any profession or calling. <sup>Application</sup>

11. Nothing in this Act or the by-laws, rules or regulations made under this Act shall be taken or deemed to amend in any way the provisions of *The Professional Engineers Act*, as amended or re-enacted from time to time, nor shall it be taken or deemed to relieve any person from compliance with *The Professional Engineers Act*, as amended or re-enacted from time to time, and, wherever in this Act "chemical engineer" is used, it means and refers to a person registered or licensed as such under *The Professional Engineers Act*. <sup>Idem</sup> <sup>R.S.O. 1960, c. 309</sup>

12. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

13. This Act may be cited as *The Association of the Chemical Profession of Ontario Act, 1962-63*. <sup>Short title</sup>



## CHAPTER 158

**An Act respecting the County of Dufferin**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the County of Dufferin, <sup>Preamble</sup>  
herein called the Corporation, by its petition has prayed  
for special legislation in respect of the matters hereinafter set  
forth; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. By-law No. 1379 of The Corporation of the County of <sup>Debenture  
by-law  
confirmed</sup>  
Dufferin, which was read a first and second time on the 20th  
day of June, 1962, set forth as the Schedule hereto, authorizing  
the issue of debentures of the Corporation in a principal  
amount not exceeding the sum of \$47,000 to defray the cost  
of paving a portion of County Road No. 7 from the inter-  
section thereof with the road allowance between the Fourth  
and Fifth Concessions, east of Hurontario Street, in the  
Township of Mono, easterly to the boundary line between  
the counties of Dufferin and Simcoe and including that portion  
of such boundary line in the Hamlet of Hockley, is hereby  
declared to be a by-law duly passed by the council of the  
Corporation and is confirmed and declared to be legal, valid  
and binding upon the Corporation and the ratepayers thereof.

2. Sections 55, 56, 57 and 58 of *The Ontario Municipal* <sup>Application  
of R.S.O.  
1960, c. 274</sup>  
*Board Act* apply in respect of By-law No. 1379 and the  
debentures to be issued thereunder.

3. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
Assent.

4. This Act may be cited as *The County of Dufferin Act*, <sup>Short title</sup>  
1962-63.

## SCHEDULE

## BY-LAW No. 1379

A BY-LAW to authorize the borrowing of \$47,000.00 for the paving of a portion of County Road No. Seven (7) in the County of Dufferin.

WHEREAS the Council of the County of Dufferin deems it advisable to pave a portion of County Road No. Seven (7) from the intersection thereof with the road allowance between the Fourth and Fifth Concessions, East of Hurontario Street, in the Township of Mono, easterly to the boundary line between the Counties of Dufferin and Simcoe and including that portion of such boundary line in the Hamlet of Hockley.

THEREFORE the Council of the County of Dufferin enacts as follows:

1. The paving of County Road No. Seven (7) as hereinbefore recited is hereby authorized.

2. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding Forty-seven thousand dollars (\$47,000.00) and shall issue debentures therefor in sums of not less than Fifty Dollars (\$50.00). Each debenture shall bear interest at the rate shown in the third column of Schedule "A" attached to this By-law and shall have coupons attached thereto for the payment of such interest.

3. All the debentures shall bear the same date, shall be issued at one time and within two years after the day on which this By-law is passed, may bear any date within such two years and shall be made payable in annual instalments during the period of ten (10) years after the date of issue thereof, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed.

4. The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at such place or places in Canada as shall be designated thereon.

5. The said debentures shall be sealed with the Seal of the Corporation and signed by the Head of the Council or by some other person authorized by By-law to sign the same and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

6. In each year the Corporation shall levy and raise the specific sum shown for the respective year in the fifth column of the said Schedule; such sums shall be levied and raised by a special rate sufficient therefor over and above all other rates upon all the rateable property of all the municipalities comprising the County of Dufferin.

7. The said debentures may contain a clause providing for the registration thereof pursuant to Section 323 of *The Municipal Act*.

8. Pending the sale of the said debentures the Head of the Council and the Treasurer may raise for the purpose aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

BY-LAW READ A FIRST AND SECOND TIME this 20th day of June, 1962.

BY-LAW READ A THIRD TIME this                      day of                      , 19 .

PASSED IN OPEN COUNCIL this                      day of                      , 19 .

J. ELLWOOD MADILL,  
Warden.

W. H. HUNTER,  
Clerk.

BY-LAW No. 1379



## BY-LAW No. 1379

*Schedule "A"*

<i>Year of Maturity</i>	<i>Principal</i>	<i>Rate</i>	<i>Interest</i>	<i>Total</i>
1963	\$ 3,500.00	5%	\$ 2,350.00	\$ 5,850.00
1964	4,000.00	5%	2,175.00	6,175.00
1965	4,000.00	5%	1,975.00	5,975.00
1966	4,500.00	5%	1,775.00	6,275.00
1967	4,500.00	5%	1,550.00	6,050.00
1968	5,000.00	5%	1,325.00	6,325.00
1969	5,000.00	5%	1,075.00	6,075.00
1970	5,000.00	5%	825.00	5,825.00
1971	5,500.00	5%	575.00	6,075.00
1972	6,000.00	5%	300.00	6,300.00
	<u>\$47,000.00</u>		<u>\$13,925.00</u>	<u>\$60,925.00</u>



## CHAPTER 159

**An Act to incorporate The Elliott**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Guelph by <sup>Preamble</sup> its petition has represented that The Guelph Home of the Friendless was constituted and declared to be a body corporate and politic by *An Act to incorporate The Guelph Home of the Friendless, and for other purposes*, being chapter 119 of the Statutes of Ontario, 1907, herein called the Act of Incorporation, and that by *The Guelph General Hospital Act*, <sup>1930, c. 81</sup> 1930 the control and management of The Guelph Home of the Friendless were vested in The Guelph General Hospital Commission established thereunder; and whereas the petitioner deems it desirable to make new provisions for the control and management of The Guelph Home of the Friendless and to continue its corporate existence under the name of "The Elliott", and to vary and enlarge the purposes for which it was incorporated as aforesaid, and has prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The corporation created by the Act of Incorporation, <sup>Corporation continued under name "The Elliott"</sup> under the name of The Guelph Home of the Friendless, is hereby continued, but the name thereof is hereby changed to "The Elliott".

2.—(1) Notwithstanding the provisions of section 1 of the <sup>Objects</sup> Act of Incorporation, the purposes and objects of The Elliott are to provide sheltered care for adult persons requiring the same, and for that purpose to maintain and operate an institution, and The Elliott is a charitable institution within the meaning of *The Charitable Institutions Act*.

R.S.O. 1960,  
c. 51

(2) In addition to all other powers as a body corporate <sup>Powers</sup> and politic, The Elliott has power,

R.S.O. 1960,  
cc. 246, 50

(a) subject to *The Mortmain and Charitable Uses Act* and *The Charitable Gifts Act*, to purchase or otherwise acquire, take or receive by gift, bequest or devise, and to hold and enjoy, any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, pledge or otherwise dispose of or deal with such estate or property or any part thereof;

R.S.O. 1960,  
c. 408

(b) to invest surplus funds not required for immediate purposes in investments authorized by *The Trustee Act*; and

(c) with the permission of the council of The Corporation of the City of Guelph, to borrow money and to create mortgages, bonds and debentures as security for the repayment thereof.

Board of  
Trustees

**3.—**(1) Within three months after the day this Act comes into force, the council of The Corporation of the City of Guelph shall appoint a Board of Trustees consisting of nine persons, who, together with the Mayor of the City of Guelph for the time being, shall have the management and control of The Elliott; provided that the Board of Trustees now holding office shall continue to hold office until the new Board of Trustees is appointed as herein provided, but not thereafter.

Qualifica-  
tions

(2) Each person appointed to the Board of Trustees shall be a resident, or the spouse of a resident, of the City of Guelph, possessing property qualifications similar to those required for members of the municipal council of The Corporation of the City of Guelph, but no member of such council, except the Mayor, shall be a member of such Board, provided that the Mayor may appoint another member of the council to represent him and to take his place on such Board from time to time.

Term of  
office

(3) In the first instance, three members of the Board of Trustees shall be appointed for a term of three years, three members for a term of two years and three members for a term of one year, and thereafter, at the first meeting of the council in each year, the council shall appoint three members to such Board to fill the places of the retiring members; provided that each member so appointed shall remain in office until his successor is appointed.

Eligibility  
for re-  
appointment

(4) The members of the Board of Trustees upon retirement are eligible for re-appointment.



4. The Board of Trustees has power to pass by-laws and <sup>By-laws</sup> to make rules and regulations, not contrary to law or to the provisions of this Act, for the governance and administration of The Elliott.

5. Notwithstanding the provisions of section 1 of the Act <sup>Use of assets</sup> of Incorporation and any stipulation to the contrary in any gift, devise or bequest heretofore made in favour of The Guelph Home of the Friendless or The Elliott, it is hereby declared that the assets and property now possessed by the corporation may, in the discretion of the Board of Trustees, be applied and expended in the furtherance of its objects as herein defined and, without limiting the generality of the foregoing, in the erection of a new building for its corporate purposes.

6. Sections 2, 3, 4, 5 and 6 of *An Act to incorporate The Guelph Home of the Friendless, and for other purposes*, being <sup>1907, c. 119, ss. 2-6;</sup> chapter 119 of the Statutes of Ontario, 1907, and section 9 of <sup>1930, c. 81, s. 9,</sup> *The Guelph General Hospital Act, 1930* are repealed.

7. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

8. This Act may be cited as *The Elliott Act, 1962-63*. Short title



## CHAPTER 160

**An Act respecting the  
Township of Eramosa School Area**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Public School Board of the Township <sup>Preamble</sup>  
School Area of the Township of Eramosa, herein called  
the Board, by its petition has represented that Charles Wesley  
Gerow et ux conveyed to the Public School Trustees of  
Section No. One in the Township of Eramosa, by registered  
Instrument No. 1217-E6, all and singular that certain parcel  
or tract of land and premises situate, lying and being in the  
Township of Eramosa, containing by admeasurement twenty-  
six and one-half perches, more or less, and being composed of  
part of the easterly half of Lot No. Five in the First Con-  
cession of the Township of Eramosa, which parcel or tract  
of land may be better known and described as follows, that is  
to say:

COMMENCING where a post has been planted on the northeasterly  
limit of said half Lot at the distance of two chains from the  
northerly angle of said half Lot; thence along said limit south  
forty-five degrees east one chain thirty-three links to a stake;  
thence south thirty-eight degrees west one chain twenty-five  
links to a stake; thence north forty-five degrees west, one chain  
thirty-three links to a stake; thence north thirty-eight degrees  
east one chain twenty-five links to the place of beginning,

in trust to and for the use of a public school and teachers'  
residence in and for School Section No. One in the Township  
of Eramosa, according to the provisions of the School Acts  
of Ontario, and for the education of the resident youth of  
such School Section; and whereas John B. Awrey conveyed  
to the Trustees of School Section No. Seven in the Township  
of Eramosa, by registered Instrument No. 9707-E2, all that  
parcel and tract of land situate, lying and being in the Town-  
ship of Eramosa and being composed of part of the south-  
westerly half of Lot No. Twenty-nine in the Sixth Concession  
of Eramosa, the description of which is as follows, viz.:

COMMENCING at the southerly angle of said half lot; thence (1st)  
north forty-five degrees west, fifty links to a post; thence (2nd)  
north thirty-eight degrees east fifty links to a post; thence  
(3rd) south forty-five degrees east fifty links to a post; thence (4th)  
south thirty-eight degrees west fifty links to the place of  
beginning,

in trust for the use of a common school in and for School Section No. Seven in the Township of Eramosa; and whereas John B. Awrey conveyed to the Trustees of School Section No. Seven in the Township of Eramosa, by registered Instrument No. 18264-E3, all that parcel of land situate, lying and being in the Township of Eramosa and being composed of part of the southwesterly half of Lot No. Twenty-nine in the Sixth Concession of Eramosa, the description of which is as follows, viz.:

COMMENCING where a post has been planted at the distance of four chains from the westerly angle of said half lot, on a course therefrom of forty-eight degrees east; thence (1st) north thirty-eight degrees east fifty links to a post; thence (2nd) south forty-five degrees east fifty links to a post; thence (3rd) south thirty-eight degrees west fifty links to a post; thence (4th) north forty-five degrees west fifty links to the place of beginning,

in trust for a common school in and for School Section No. Seven in the Township of Eramosa; and whereas School Sections Nos. One and Seven in the Township of Eramosa now form part of the Township School Area of the Township of Eramosa; and whereas the said lands are no longer used or required for school purposes; and whereas the petitioner has prayed for special legislation annulling such trusts and permitting it to sell such lands; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power  
of sale

1. The Board shall have full power and authority to sell all or any of, *Firstly*, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Eramosa, containing by admeasurement twenty-six and one-half perches, more or less, and being composed of part of the easterly half of Lot No. Five in the First Concession of the Township of Eramosa, which parcel or tract of land may be better known and described as follows, that is to say:

COMMENCING where a post has been planted on the northeasterly limit of said half Lot at the distance of two chains from the northerly angle of said half Lot; thence along said limit south forty-five degrees east one chain thirty-three links to a stake; thence south thirty-eight degrees west one chain twenty-five links to a stake; thence north forty-five degrees west, one chain thirty-three links to a stake; thence north thirty-eight degrees east one chain twenty-five links to the place of beginning,

and *Secondly*, all that parcel and tract of land situate, lying and being in the Township of Eramosa and being composed of part of the southwesterly half of Lot No. Twenty-nine in the Sixth Concession of Eramosa, the description of which is as follows, viz.:

COMMENCING



COMMENCING at the southerly angle of said half lot; thence (1st) north forty-five degrees west, fifty links to a post; thence (2nd) north thirty-eight degrees east fifty links to a post; thence (3rd) south forty-five degrees east fifty links to a post; thence (4th) south thirty-eight degrees west fifty links to the place of beginning,

and *Thirdly*, all that parcel of land situate, lying and being in the Township of Eramosa and being composed of part of the southwesterly half of Lot No. Twenty-nine in the Sixth Concession of Eramosa, the description of which is as follows, viz.:

COMMENCING where a post has been planted at the distance of four chains from the westerly angle of said half lot, on a course therefrom of forty-eight degrees east; thence (1st) north thirty-eight degrees east fifty links to a post; thence (2nd) south forty-five degrees east fifty links to a post; thence (3rd) south thirty-eight degrees west fifty links to a post; thence (4th) north forty-five degrees west fifty links to the place of beginning.

**2.** A deed executed by the chairman and secretary of the Board for the time being under the corporate seal vests in the purchaser all the right, title and interest of the Board in, to, or out of, the lands and premises conveyed by the deed, free from all trusts whatsoever contained or set out in the above-recited deeds. <sup>Conveyance free of trusts</sup>

**3.** After payment of the expense of obtaining this Act and all proper and reasonable costs, charges and expenses of effecting and carrying out such sale or sales, the Board shall use the net proceeds thereof to defray the cost of the acquisition of school sites. <sup>Use of net proceeds</sup>

**4.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**5.** This Act may be cited as *The Eramosa Township School Area Act, 1962-63*. <sup>Short title</sup>



## CHAPTER 161

**An Act respecting the Township School Area  
of the Township of Erin**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Public School Board of the Township <sup>Preamble</sup>  
School Area of the Township of Erin, herein called  
the Board, by its petition has represented that John Wats  
et ux conveyed to the District Council of the District of  
Wellington, by registered Instrument No. 13506-D3, part  
of the easterly half of Lot No. 23 in the Tenth Concession of  
the Township of Erin, more particularly described therein, in  
trust "for the use of a common school in and for the Section  
number Three in the Township of Erin", that Alfred Watts  
et ux conveyed to the Public School Trustees of Section No. 3  
in the Township of Erin, by registered Instrument No.  
4169-D14, part of the east half of Lot No. 23 in the Tenth  
Concession of the Township of Erin, more particularly  
described therein, in trust "for the use of a public school in  
and for School Section No. 3 in the Township of Erin in the  
County and Province aforesaid according to the provision of  
the School Acts of Ontario", and that School Section No. 3  
now forms part of the Township School Area of the Township  
of Erin; and whereas the whole of such lands has been used  
for the school purposes of School Section No. 3 in the Township  
of Erin and such lands are no longer required for school  
purposes; and whereas the petitioner has prayed for special  
legislation annulling such trusts and permitting it to sell  
such lands; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The Board shall have full power and authority to sell <sup>Power  
of sale</sup>  
all or any of, *Firstly*, all that parcel of land situate in the  
Township of Erin containing one-quarter of an acre be the  
same more or less, being composed of part of the easterly  
half of Lot No. 23 in the Tenth Concession and bounded as  
follows, viz.:

COMMENCING at the southerly angle of said half lot; thence (1st) north thirty-eight degrees forty-nine minutes east one chain fifty-nine links to a post; thence (2nd) north forty-six degrees fifteen minutes west one chain fifty-nine links to a post; thence (3rd) south thirty-eight degrees forty-nine minutes west one chain fifty links to a post; thence (4th) south fifty-six degrees fifteen minutes east one chain fifty-nine links more or less to the place of beginning,

and *Secondly*, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Erin, in the County of Wellington and Province of Ontario, containing by admeasurement one-fourth of an acre be the same more or less, being composed of a part of the east half of Lot No. 23 in the Tenth Concession of the Township of Erin, described as follows:

COMMENCING in the southwesterly limit of said half lot the distance of one chain and fifty-nine links from the southerly angle of said half lot; thence north thirty-eight degrees forty-nine minutes east one chain fifty-nine links; thence north forty-five degrees fifteen minutes west one chain fifty-nine links; thence south thirty-eight degrees forty-nine minutes west one chain fifty-nine links; thence south forty-six degrees fifteen minutes east one chain fifty-nine links to the place of beginning.

Conveyance  
free of  
trusts

**2.** A deed executed by the chairman and secretary of the Board for the time being under the corporate seal vests in the purchaser all the right, title and interest of the Board in, to, or out of, the lands and premises conveyed by the deed, free from all trusts whatsoever contained or set out in the above-recited deeds.

Use of net  
proceeds

**3.** After payment of the expense of obtaining this Act and all proper and reasonable costs, charges and expenses of effecting and carrying out such sale or sales, the Board shall use the net proceeds thereof to defray the cost of the acquisition of school sites.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Erin Township School Area Act, 1962-63*.



## CHAPTER 162

## An Act respecting the Town of Fort Erie

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Town of Fort Erie <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Agreement made between The Corporation of the Town of Fort Erie and the Buffalo and Fort Erie Public Bridge Authority, bearing date the 19th day of March, 1962, set out as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon The Corporation of the Town of Fort Erie and the Buffalo and Fort Erie Public Bridge Authority, and the parties are hereby empowered to carry out and enforce their respective obligations and rights thereunder. <sup>Agreement validated</sup>

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**3.** This Act may be cited as *The Town of Fort Erie Act*, Short title 1962-63.

SCHEDULE

AGREEMENT made in triplicate this 19th day of March, A.D. 1962.

BETWEEN:

BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY,  
hereinafter called "the Bridge Authority",

OF THE FIRST PART,

— and —

THE CORPORATION OF THE TOWN OF FORT ERIE,  
hereinafter called "the Corporation",

OF THE SECOND PART.

WHEREAS the Parties hereto desire to continue the present arrangement of determining the taxes payable by the Bridge Authority for a period of seven years;

AND WHEREAS the Parties have agreed that the taxes to be paid by the Bridge Authority to the Corporation in respect of taxation on all the property of the Bridge Authority in the Town of Fort Erie and business assessment in respect thereto for the years 1963, 1964, 1965, 1966, 1967, 1968 and 1969 shall be as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that, in consideration of the premises hereinafter set forth, the Parties hereto mutually agree as follows:

1. The Bridge Authority shall pay to The Corporation of the Town of Fort Erie for all municipal taxes against the real property, buildings, improvements and structures of the Bridge Authority owned, leased, occupied or managed by it situated in the Town of Fort Erie, and for business assessment, and against the Bridge Authority itself for the years 1963 to 1969 inclusive, the following sums of money, namely:

1963	.....	\$61,000.00	plus local improvement rates
1964	.....	\$62,000.00	" " " "
1965	.....	\$63,000.00	" " " "
1966	.....	\$64,000.00	" " " "
1967	.....	\$65,000.00	" " " "
1968	.....	\$66,000.00	" " " "
1969	.....	\$67,000.00	" " " "

2. The assessment of the said real property, buildings, improvements and structures acquired, held, leased or managed by the Bridge Authority within the corporate limits of the Town of Fort Erie, including business assessment, and of the Bridge Authority itself, shall, for the purposes of taxation in each year of the years 1963 to 1969, be entered on the Assessment and Collector's Roll of the said Town of Fort Erie in respect of the said years at no higher valuation than will produce the above-mentioned sums per annum in the said respective years at the rate or rates in the dollar which shall have been fixed by a by-law or by-laws of the said Corporation for authorizing, levying and collection of rates for the purposes of the municipality, and the said valuation shall be held and taken to be the assessed valuation for which, during the said years, the said property, business assessment and Bridge Authority hereinbefore described shall be entered upon the Assessment and Collector's Roll for the purpose of levying and collecting all rates, exclusive of local improvement rates, and it shall be the duty of the Assessor from time to time during the said period to assess the same in accordance with the valuations hereby fixed and for no other or greater sum.

3. The said sums for the respective years set forth in paragraph No. 1 above for each of the said respective years shall be payable to the Corporation each and every year during the term of this Agreement on or before the 30th day of January.

4. The Corporation hereby undertakes and covenants with the Authority to apply at the earliest possible time hereafter for legislation of the Province of Ontario to give full effect to all provisions in this Agreement and to do all acts and things necessary to make the said provisions valid and binding, and will abide by, observe and carry out the same according to the spirit, true intent and meaning thereof.

5. The Authority hereby undertakes and covenants with the Corporation to co-operate with the Corporation to obtain the necessary legislation to give full effect to this Agreement and to make the same valid and binding, it being understood and agreed, however, that the Authority shall not in any way or under any circumstance be responsible for failure on the part of the Corporation to secure the said legislation.

6. That the making of this Agreement and acts of any party hereunder or incidental thereto shall not in any way prejudice the rights in law of any parties during or after the expiration of the term hereof.

7. That all the provisions herein contained shall enure to the benefit of and be binding upon the successors and assigns of each and all of the parties hereto.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate seals the day and year first above written.

SIGNED, SEALED, DELIVERED AND COUNTERSIGNED by the proper officers of the Parties hereto:

BUFFALO AND FORT ERIE  
PUBLIC BRIDGE AUTHORITY:

CY. KING,  
*Chairman*

[SEAL]

G. WEIR,  
*Secretary*

THE CORPORATION OF THE  
TOWN OF FORT ERIE:

JOHN M. TEAL,  
*Mayor*

[SEAL]

A. E. JEPSON,  
*Clerk*





## CHAPTER 163

**An Act respecting The High School Board of  
the Township of Gloucester and The  
Collegiate Institute Board of the  
City of Ottawa**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The High School Board of the Township of Gloucester and The Collegiate Institute Board of the City of Ottawa by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Agreement between The High School Board of the Township of Gloucester and The Collegiate Institute Board of the City of Ottawa, dated the 31st day of August, 1962, set forth as the Schedule hereto, is confirmed and declared to be legal, valid and binding upon both Boards, and both Boards are hereby empowered to carry out all their respective obligations that may arise thereunder.

Agreement  
confirmed

**2.** The Agreement may be amended by mutual consent of both Boards only with the approval of the Minister of Education.

Amendment  
of  
agreement

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Gloucester-Ottawa High Schools Act, 1962-63*.

Short title

## SCHEDULE

THIS AGREEMENT made in duplicate the 31st day of August, A.D. 1962.

BETWEEN:

THE HIGH SCHOOL BOARD OF THE TOWNSHIP OF GLOUCESTER,  
hereinafter called the "Gloucester Board",

— and —

THE COLLEGIATE INSTITUTE BOARD OF OTTAWA, hereinafter  
called the "Ottawa Board".

WHEREAS the Gloucester Board proposes to erect secondary schools to be situated in the Township of Gloucester, in the County of Carleton, the first of which such schools is in the course of construction.

AND WHEREAS it has been agreed between the parties hereto that the Ottawa Board will operate such schools in the same manner in which it operates its own secondary schools in the City of Ottawa, and will endeavour to maintain equivalent academic standards to those achieved in such Ottawa Schools.

NOW THEREFORE this agreement witnesseth that in consideration of the premises and the terms and conditions hereinafter contained the parties hereto mutually agree as follows:

1. All schools and buildings ancillary thereto to be erected by the Gloucester Board, and the furniture, equipment, and other moveables in such schools and ancillary buildings, and the land relating thereto, shall be and remain the property of, and be vested in, the Gloucester Board.

2. The Gloucester Board agrees to erect such schools and ancillary buildings in accordance with plans and specifications to be approved by the Minister of Education, a copy of which shall be filed with the Ottawa Board, and to supply and install such furniture, equipment and facilities as are necessary for proper operation and which shall substantially be uniform in quality, quantity and kind with those existing in Ottawa secondary schools, and to fence, landscape and prepare the school sites suitably. It is understood and agreed that the first such school shall be ready to open on the 1st day of September, 1963.

3. Upon completion of any high school as aforesaid, the Ottawa Board shall staff, operate and maintain it, and except as otherwise provided in this agreement, shall do so in accordance with the standard policies of the Ottawa Board for its secondary schools in the City of Ottawa. Moreover the Ottawa Board shall endeavour to ensure that at least one of the senior members of the staff shall be fluent in the use of both the English and French languages.

4. Except as set out in paragraph 6 hereof, the Ottawa Board shall pay the operating and maintenance costs of such schools and ancillary buildings.

5. Operating costs shall include, but not be limited to, the payment of staff, the purchase of supplies, payments for heating, hydro, water, telephone and insurance. Insurance shall be sufficient to protect against fire and other damage and public liability in the same manner and to the same extent as is done by the Ottawa Board for Ottawa Schools, and the interest of the Gloucester Board shall be shown in all policies.

6. It is agreed that the Ottawa Board shall not pay any expenses in connection with the transportation of Gloucester Township pupils to such schools, or any taxes, assessments, local improvement rates, sewage

charges

charges or other rates or charges of any kind whatsoever which may be imposed directly or indirectly by the Municipality in which such schools are situate.

7. The maintenance of such schools and ancillary buildings shall be such as to keep them in a state of repair consistent with proper and efficient operation. It shall extend to the buildings, the grounds, the furniture, the equipment and other facilities and shall include the replacement of furniture, equipment and other such facilities as required, whether through wear and tear or through obsolescence, but it shall not include permanent additions or alterations to the buildings or grounds. It is understood and agreed that any furniture, equipment or other facilities purchased for such schools by the Ottawa Board as replacements shall become and remain the property of the Gloucester Board. The Ottawa Board further agrees that no structural changes shall be made by it without the consent of the Gloucester Board.

8. The Gloucester Board shall finance such operating and maintenance costs by paying to the Ottawa Board the cost of education of those pupils under the Gloucester Board's jurisdiction who attend such schools. Such costs are to be paid in estimated monthly instalments during each current year and shall be calculated pursuant to subsection (2) of section 70 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960 (as if this were an agreement under subsection (2) of section 30 of that Act), except that in computing the total gross expenditures for the calendar year, capital expenditures for Ottawa Schools out of the current funds, together with payments on account of principal and interest owed on debentures for Ottawa Schools owned by the Ottawa Board, shall not be included.

9. The Ottawa Board and the Gloucester Board shall discuss jointly on or before the 15th day of March, in each year, the allocation of pupils to the Gloucester High Schools, and the Gloucester Board shall in accordance with such allocations set the boundaries for such high schools and report them to the Ottawa Board on or before the 15th day of April in each year. Such boundaries shall thereupon be fixed and not changed without the consent in writing of both Boards. Subsection 2 and subsection 3 (a) of section 68 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960, shall not apply to the allocation of students to the Gloucester High Schools.

10. The Gloucester Board and the Ottawa Board shall meet in joint session on or about the 2nd Tuesday in March, May and October, in each year to discuss matters arising out of this agreement.

11. In the event that either Board shall give notice of termination of this agreement as hereinafter provided, the Gloucester Board hereby undertakes and agrees to engage, on the then existing employment terms, any members of the teaching and maintenance staff employed by the Ottawa Board at the Gloucester High Schools at the date of the giving of the notice who wish to continue at such schools after the expiration of this agreement.

12. Both Boards agree that in furnishing and equipping the Gloucester High Schools, and in planning, acquiring, erecting and equipping any additional accommodation, the equipment and facilities provided shall be such as to permit uniformity of operation and maintenance with Ottawa Secondary Schools.

13. All applications to rent Gloucester High Schools shall first be submitted to the Gloucester Board for approval. If approved, applications shall then be presented to the Ottawa Board and the policies, regulations and rates of the Ottawa Board governing the grant of such applications and the administration of rentals in secondary schools shall apply. The Ottawa Board shall administer the rentals in all respects and shall retain any rental money received.

14. Unless terminated by mutual consent, this agreement shall remain in force until the 30th day of June, 1968, and will expire on such date if either Board has given notice in writing of intention to terminate to the other Board on or before the 30th day of June, 1967. If no such notice of intention to terminate has been given this agreement shall continue in full force and effect from year to year thereafter. Provided that one Board may, on or before the 30th day of June, in any year subsequent to 1967 give written notice to the other Board of its intention to terminate on the 30th day of June in the year following, whereupon this agreement shall expire upon the 30th day of June in such year following the receipt of such notice.

15. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors.

16. Both Boards shall co-operate in taking the necessary steps to obtain a Private Bill of the Legislative Assembly of the Province of Ontario validating this agreement and allowing amendments with approval of the Minister of Education, with all costs to be borne by the Gloucester Board.

IN WITNESS WHEREOF the parties have hereunto set their corporate seals, attested to by their proper officers in that behalf.

THE HIGH SCHOOL BOARD OF THE TOWNSHIP  
OF GLOUCESTER:

Per: ORMOND GORDON,  
*Chairman.*

JOHN N. RAMSAY,  
*Secretary.*

THE COLLEGIATE INSTITUTE BOARD OF OTTAWA:

Per: G. S. FIELD,  
*Chairman.*

H. PULLEN,  
*Deputy Secretary-Treasurer.*



## CHAPTER 164

## An Act respecting the Town of Grimsby

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Town of Grimsby, <sup>Preamble</sup> herein called the Corporation, by its petition has represented that it incurred floating indebtedness of \$210,912.40, which arose by reason of the undertaking of municipal works, without the approval of the Ontario Municipal Board, the cost of which was to be raised in subsequent years, and the expenditure of moneys for municipal works undertaken with the approval of the Ontario Municipal Board in greater amounts than were authorized, all in the years 1957, 1958, 1959 and 1960, that such floating indebtedness has been reduced by the issue and sale of debentures of the Corporation in the principal amount of \$78,420.26, pursuant to the authorization of the Ontario Municipal Board, and has been further reduced by the application by the Corporation on account thereof from moneys properly available for the purpose in the year 1962 of the sum of \$61,590.19, and that the Corporation proposes to reduce further such floating indebtedness by levying and raising therefor in the year 1963 the sum of \$5,901.95; and whereas the petitioner has prayed for special legislation authorizing and empowering it to issue debentures in a principal amount not exceeding \$65,000 for the purpose of paying the remainder of such floating indebtedness; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The outstanding floating indebtedness of the Corporation is consolidated at the sum of \$70,901.95, and the Corporation shall levy and raise in the year 1963 on all the rateable property in the Town of Grimsby the sum of \$5,901.95 for the purpose of paying part of such floating indebtedness and may issue debentures in a principal amount not exceeding \$65,000 for the purpose of paying the balance of such floating indebtedness. <sup>Issue of debentures authorized</sup>

## Debentures

**2.** Such debentures shall be dated on such date in the year 1963, shall bear interest at such rate not exceeding 7 per cent per annum, shall be payable in lawful money of Canada in annual instalments of principal over a term not exceeding ten years of such amounts and at such place or places, shall be issued in such denominations of not less than \$100 each, and may be issued either with or without coupons for interest attached thereto, all as the council of the Corporation may determine in the by-law authorizing the issue of such debentures.

## Levy

**3.** The Corporation shall levy and raise in each year in which an instalment of principal of and interest on such debentures becomes payable, by a special rate sufficient therefor over and above all other rates on all the rateable property in the Town of Grimsby, a sum sufficient to pay the aggregate amount of principal and interest falling due on such debentures in such year.

Application  
of proceeds

**4.** The proceeds of the sale of such debentures shall be applied in payment of the floating indebtedness and for no other purpose.

Assent of  
electors  
unnecessary

**5.** It is not necessary to obtain the assent of the electors to any by-law passed under this Act, and sections 64 and 65 of *The Ontario Municipal Board Act* do not apply to any such by-law.

Application  
of R.S.O.  
1960, c. 274

**6.** Sections 55 to 61 of *The Ontario Municipal Board Act* apply to any by-law authorizing the issue of such debentures and to the debentures.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

## Short title

**8.** This Act may be cited as *The Town of Grimsby Act, 1962-63*.

## CHAPTER 165

**An Act respecting  
The Guelph General Hospital**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Guelph by <sup>Preamble</sup> its petition has represented that it should be authorized and empowered to separate the management and the functions of the Board of Trustees for The Guelph General Hospital and of the Board of Trustees for the home operated in conjunction therewith, known as The Guelph Home for the Friendless, and that certain other matters should be confirmed and enacted; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

**Interpre-  
tation**

(a) "Commission" means The Guelph General Hospital Commission constituted under this Act;

(b) "Hospital" means The Guelph General Hospital.

**2. The Guelph General Hospital Commission is hereby** <sup>Commission  
constituted</sup> constituted a body corporate and politic, to be known as "The Guelph General Hospital Commission", with the limitation that it shall not be empowered to borrow moneys for capital expenditure without permission of The Corporation of the City of Guelph.

**3. The Hospital, the school of nursing and any other** <sup>Commission  
powers</sup> undertakings in connection therewith, and its property, real and personal, shall be governed and managed by the Commission, and the Commission has power to pass by-laws and make rules and regulations, not contrary to law or to the provisions of this Act, for the governance and management thereof, subject to *The Public Hospitals Act* and regulations <sup>R.S.O. 1960.  
c. 322</sup> thereunder.

Composition  
of  
Commission

4.—(1) The Commission shall consist of,

- (a) the mayor of the City of Guelph, provided that the mayor may appoint another member of the council of the City of Guelph to represent him and to take his place on the Commission from time to time; and
- (b) eight persons who, immediately before the coming into force of this Act, served as members of the Commission, and, on the expiration of their terms of office, their successors who shall each be a resident or the spouse of a resident of the City of Guelph possessing property qualifications similar to those required for members of municipal council of the City of Guelph and who shall be appointed by the council of the City of Guelph, but no member of the council, except the mayor or his appointee, shall be a member of the Commission; and

R.S.O. 1960,  
c. 322

- (c) such other persons as shall, by virtue of *The Public Hospitals Act* or any other statute of the Legislature or the regulations made thereunder, be members thereof.

Eligibility  
for re-  
appointment

ment.

(2) Members of the Commission are eligible for re-appoint-

Lands  
vested  
in City

5. The lands heretofore used by the Hospital and by The Guelph Home for the Friendless, described in the Schedule hereto, and the buildings heretofore used by the Hospital continue to be vested in The Corporation of the City of Guelph for the purposes of a municipal hospital or for other charitable or benevolent purposes, and the City of Guelph shall not dispose of any lands or buildings without the prior consent of the Commission.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Guelph General Hospital Act, 1962-63*.



## SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Guelph in the County of Wellington described as follows:

*Firstly:*

Lots 34 to 41, both inclusive, according to registered Plan 133, SAVING AND EXCEPTING the said lot 34 and part of lot 35 more particularly described as follows:

COMMENCING at an iron pipe planted at the southerly angle of said lot 34; Thence North 45 degrees West along the southwesterly limit of said lots 34 and 35 being also along the northeasterly limit of Delhi Street, One Hundred (100) feet to an iron pipe planted; Thence North 45 degrees East One Hundred and Eighty and eighteen one-hundredths (180.18) feet to an iron pipe planted in the northeasterly limit of said lot 35; Thence South 45 degrees East along the northeasterly limit of said lots 35 and 34 One Hundred (100) feet to an iron pipe planted at the easterly angle of said lot 34; Thence South 45 degrees West along the southeasterly limit of said lot 34, One Hundred and Eighty and eighteen one-hundredths (180.18) feet more or less to the point of commencement. Reserving a right-of-way twelve (12) feet wide over the southeasterly twelve (12) feet in width of the above described parcel of even width from front to rear; and reserving the right to use and maintain the manhole situate on the northeasterly limit of the above described parcel, being partly on the parcel above described and partly on the lands to the northeast thereof, and also the right to use and maintain the steam pipes and hot water pipes leading from the boiler room on the hospital property to the said manhole and from the said manhole to the old Isolation Hospital on the property above described.

*Secondly:*

Lots 61 to 65, both inclusive, according to registered Plan 221.

*Thirdly:*

Parts of lots 10 and 11 in the First Range of Division "F" described as follows:

COMMENCING where a post has been planted on the northerly limit of Delhi Street 19 chains, 30 links more or less from a stone monument placed where the northerly limit of Delhi Street intersects the Eramosa Road; Thence North 45 degrees East 8 chains, 7 links more or less to where a post has been planted; Thence North 45 degrees West 10 chains, 51½ links more or less to a stone monument; Thence South 45 degrees West 8 chains, 5 links more or less to the said northern limit of Delhi Street; Thence South 45 degrees East along the said limit to the place of beginning, containing 8.48 acres.



## CHAPTER 166

## An Act respecting the County of Halton

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Town of Burlington and The Corporation of the Town of Oakville by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Inter-  
pre-  
tation

- (a) "Burlington" means The Corporation of the Town of Burlington;
- (b) "municipality" means a town, village or township in the County of Halton that is not separated therefrom for municipal purposes;
- (c) "Oakville" means The Corporation of the Town of Oakville;
- (d) "vote" means a vote as a member of the council of The Corporation of the County of Halton.

2.—(1) Subject to subsections 2, 3, 4, 5, 6 and 7 and to section 5, in addition to the votes provided for by subsection 2 of section 26 of *The Municipal Act*,

Votes for  
reeves and  
deputy  
reeves on  
county  
council  
R.S.O. 1960,  
c. 249

- (a) the reeve of a municipality having more than 6,000 electors but not more than 9,000 electors shall have one vote;
- (b) the reeve and deputy reeve of a municipality having more than 9,000 electors but not more than 12,000 electors shall each have one vote;

(c)

- (c) the reeve of a municipality having more than 12,000 electors but not more than 15,000 electors shall have two votes, and the deputy reeve thereof shall have one vote;
- (d) the reeve and deputy reeve of a municipality having more than 15,000 electors but not more than 18,000 electors shall each have two votes;
- (e) the reeve of a municipality having more than 18,000 electors but not more than 21,000 electors shall have three votes, and the deputy reeve thereof shall have two votes;
- (f) the reeve and deputy reeve of a municipality having more than 21,000 electors but not more than 24,000 electors shall each have three votes;
- (g) the reeve of a municipality having more than 24,000 electors but not more than 27,000 electors shall have four votes, and the deputy reeve thereof shall have three votes; and
- (h) the reeve and deputy reeve of a municipality having more than 27,000 electors shall each have four votes.

Maximum  
votes for  
Burlington,  
Oakville

(2) The total of the votes of the representatives of Burlington and Oakville shall not exceed the total of the votes of the representatives of the other municipalities.

Votes  
deferred

(3) When by reason of increase in the number of electors in Burlington or Oakville a representative would, but for subsection 2, be entitled to an additional vote, such additional vote shall be deferred until such time as one of the representatives of one of the other municipalities becomes entitled to an additional vote.

When repre-  
sentative  
entitled to  
additional  
vote

(4) If one or more of the representatives of Burlington and Oakville are entitled, but for subsection 2, to one or more additional votes at a time when one of the representatives of the other municipalities becomes entitled to an additional vote under *The Municipal Act* or under this Act, the representative of Burlington or Oakville who first became entitled to an additional vote shall receive the vote.

R.S.O. 1960,  
c. 249

Deter-  
mination  
of repre-  
sentative  
entitled  
to  
additional  
vote

(5) If it cannot be ascertained which representative first became entitled to an additional vote for the purpose of subsection 4, the representative of the municipality that has the greatest number of electors in excess of the number of electors that entitles the representative to the additional vote shall receive the vote.



(6) In the case of a reduction in the total of the votes of the representatives of the other municipalities, the total of the votes of the representatives of Burlington and Oakville shall be reduced to a number equal to the new total of the votes of the representatives of the other municipalities by dropping the proper number of votes most recently acquired under subsection 1.

(7) For the purposes of subsection 6, votes shall be deemed to have been acquired in the order in which they would have been acquired if this Act had always been in force.

**3.**—(1) Subsection 2 of section 33 of *The Municipal Act* applies to section 2.

(2) The clerk of each municipality shall make the return prescribed by subsection 3 of section 33 of *The Municipal Act*, whether or not the municipality has fewer than 10,000 electors, and subsection 4 of the said section 33 applies.

**4.** Notwithstanding section 196 of *The Municipal Act*, any question on which there is not a plurality of at least three votes for the affirmative shall be deemed to be negated.

**5.** For the purpose of section 186 of *The Municipal Act*, each member of the council of The Corporation of the County of Halton has one vote, and subsection 4 of that section applies in the case of an equality of votes.

**6.** This Act comes into force on the day it receives Royal Assent.

**7.** This Act may be cited as *The County of Halton Act*.



## CHAPTER 167

## An Act respecting the City of Hamilton

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Hamilton Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The Corporation of the City of Hamilton may, from Agreement  
with The  
T. Eaton  
Realty Co.  
Ltd.  
authorized  
time to time, enter into agreements with The T. Eaton  
Realty Company Limited changing the conditions set out in  
paragraph 6 of the Agreement made between The Corporation  
of the City of Hamilton and The T. Eaton Realty Company  
Limited, dated the 17th day of February, 1955, which was  
ratified and confirmed and declared to be legal, valid and  
binding upon the parties thereto by *The City of Hamilton* 1955, c. 100  
*Act, 1955.*

2. The extension of time for a period of six months granted Extension  
of time  
ratified  
by The Corporation of the City of Hamilton to The T. Eaton  
Realty Company Limited for compliance with the provisions  
of paragraph 6 of such Agreement is hereby ratified and  
confirmed and declared to be legal, valid and binding upon  
the parties thereto, and the rights of The Corporation of the  
City of Hamilton conferred by paragraph 6 of such Agreement  
are hereby declared to have been preserved notwithstanding  
the granting of such extension of time.

3. This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

4. This Act may be cited as *The City of Hamilton Act*, Short title  
1962-63.





## CHAPTER 168

## An Act respecting the Town of Hearst

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Town of Hearst by <sup>Preamble</sup>  
its petition has prayed for special legislation in respect  
of the matters hereinafter set forth; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Notwithstanding any provision of *The Municipal Act*, <sup>Fixed assessment authorized R.S.O. 1960, c. 249</sup>  
the council of The Corporation of the Town of Hearst is  
hereby authorized and empowered to pass a by-law, with the  
assent of the electors qualified to vote on money by-laws, for  
fixing the assessment of the property of Levesque Plywood  
Limited, carrying on a plywood manufacturing business within  
the Town of Hearst, on such terms and conditions as the  
council deems proper.

2. The fixed assessment shall not be for a longer period <sup>Term</sup>  
than five years and shall not be renewable.

3. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
Assent.

4. This Act may be cited as *The Town of Hearst Act*, <sup>Short title</sup>  
1962-63.



## CHAPTER 169

## An Act respecting the Township of Innisfil

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Township of Innisfil, <sup>Preamble</sup>  
herein called the Corporation, by its petition has prayed  
for special legislation in respect of the matters hereinafter set  
forth; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. By-law No. A-124, passed by The Corporation of the <sup>By-law confirmed</sup>  
Township of Innisfil on the 2nd day of October, 1961, as  
amended by By-law No. A-156 to include the schedule of  
special assessments, authorizing the issue of debentures of  
the Corporation in the principal amount of \$16,915 to provide  
for certain drainage works in the Township of Innisfil, known  
as the Carson Village Drain, and set forth as the Schedule  
hereto, is hereby confirmed and declared to be legal, valid and  
binding upon the Corporation and the ratepayers thereof.

2. Sections 55, 56, 57 and 58 of *The Ontario Municipal* <sup>Application of R.S.O.</sup>  
*Board Act* apply in respect of By-law No. A-124, as amended, <sup>1960, c. 274</sup>  
and the debentures to be issued thereunder.

3. For the purposes of every Act, the Ontario Municipal <sup>Order of O.M.B.</sup>  
Board shall be deemed to have issued an order, pursuant to  
section 64 of *The Ontario Municipal Board Act*, authorizing  
the Corporation to proceed with the drainage works referred  
to in section 1 and authorizing the Corporation to pass By-  
laws No. A-124 and A-156 referred to in section 1.

4. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
Assent.

5. This Act may be cited as *The Township of Innisfil Act*, <sup>Short title</sup>  
1962-63.

## SCHEDULE

BY-LAW NO. A-124

as amended by

BY-LAW NO. A-156

A By-law to provide for the drainage work in the Township of Innisfil, in the County of Simcoe, and the borrowing upon the credit of the Municipality of the Township of Innisfil, the sum of Sixteen Thousand Nine Hundred and Fifteen Dollars (\$16,915.00) for the completing of same.

WHEREAS the majority in numbers of the resident and non-resident owners (exclusive of farmers' sons not actual owners), as shown by the last revised assessment roll, of the property hereinafter set forth to be benefited by drainage work have petitioned the Council of the said Township of Innisfil praying that the lands described as follows be drained:

The lands are composed of part of S.  $\frac{1}{2}$  Lot 17; Lot 18; Lot 19; Lot 20 and Lot 21 all in Concession IV, Township of Innisfil, and of part of N.  $\frac{1}{2}$  Lot 17; N.  $\frac{1}{2}$  Lot 18; N.  $\frac{1}{2}$  Lot 19; N.  $\frac{1}{2}$  Lot 20 and N.  $\frac{1}{2}$  Lot 21 all in Concession III, Township of Innisfil. Also all lots in registered Plans 1117, 1251, 1123, and 1363 together with park blocks Lots 66 and 67 Plan 1043 registered in the Township of Innisfil, County of Simcoe. Also those lands of Frank Corner, Anthony Slapek, John Ferrier, Vera Hulfish, Lillian Perlmutter, Sarah Lewis and Bernice Jackson; also the County Road No. 16 and all lands and all township roads within the plan as described on Plans C-114/A and C-114/C which form part of this by-law together with the attached report;

AND WHEREAS the Council of the Corporation of the Township of Innisfil has procured an examination to be made by Wildman and Rhodes and Associates, and being a company competent for such purpose, of the said area proposed to be drained and the means suggested for the drainage thereof, and of other lands and roads liable to assessment under *The Municipal Drainage Act*, and has also procured plans, specifications and estimates of the drainage work to be made by the said Wildman and Rhodes and Associates and an assessment to be made by them of the lands and roads to be benefited by such drainage work, and of the other lands and roads liable for contribution thereto, stating as nearly as they can the proportion of benefit, outlet liability and injuring liability which in their opinion will be derived or incurred in consequence of such drainage work by every road and lot, or portion of lot, the said assessment so made being the assessment hereinafter by this By-law enacted to be assessed and levied upon the roads and lots, or part of lots, hereinafter in that behalf specially set forth and described; and the report of the said Wildman and Rhodes and Associates in respect thereof, and of the said drainage work being as attached;

AND WHEREAS the said Council is of the opinion that the drainage of the area described is desirable;

THEREFORE the Council of the said Township of Innisfil pursuant to the provisions of *The Municipal Drainage Act*, enacts as follows:

1. The said report, plans, specifications, assessments and estimates are hereby adopted, and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.
2. The Reeve of The Municipal Corporation of the Township of Innisfil may borrow on the credit of the Corporation the sum of Sixteen Thousand Nine Hundred and Fifteen Dollars (\$16,915.00). being the funds necessary to carry out the work and may issue debentures of the Corporation to that amount in sums of not



less than Fifty Dollars (\$50.00) each and payable within ten (10) years from the date of the said debentures with interest at the rate of six per centum (6%), per annum; that is to say in ten (10) annual instalments during the ten (10) years next after the date the same were issued and the respective amounts of principal and interest payable in each of such years shall be amounts so designated in Schedule "A" hereto annexed, such debentures to be payable at such place or places in Canada as shall be designated thereon, and to have attached to them coupons for the payment of interest.

3. For paying the sum of Fourteen Thousand Eight Hundred and Seventy-Five Dollars (\$14,875.00) the amount charged against the said lands and roads for benefit and the sum of Two Thousand and Forty Dollars (\$2,040.00) the amount charged against such lands and roads for outlet liability and for covering the interest thereon for ten (10) years at the rate of six per centum per annum (6%), the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned lots and parts of lots and roads and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided and such part shall be assessed, levied and collected as aforesaid, in each year for ten (10) years, after the final passing of this By-law, during which the said debentures have to run.

READ a First and Second time the 18th day of January, 1961.

READ a Third time and finally passed the 2nd day of October, 1961.

C. D. SPROULE,  
*Reeve.*

R. I. GROH,  
*Acting Clerk.*

(Corporate Seal)

Municipality of the Township of Innisfil  
County of Simcoe, Ontario

*Schedule "A"*

TO

BY-LAW NO. A-124

<u>Years</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
1st.....	\$ 1,283.26	\$ 1,014.90	\$ 2,298.16
2nd.....	1,360.26	937.90	2,298.16
3rd.....	1,441.87	856.29	2,298.16
4th.....	1,528.38	769.78	2,298.16
5th.....	1,620.09	678.07	2,298.16
6th.....	1,717.29	580.87	2,298.16
7th.....	1,820.33	477.83	2,298.16
8th.....	1,929.55	368.61	2,298.16
9th.....	2,045.32	252.84	2,298.16
10th.....	2,168.65	129.51	2,298.16
	<u>\$16,915.00</u>	<u>\$6,066.60</u>	<u>\$22,981.60</u>

## Schedule "B"

TO

BY-LAW NO. A-124

Plan No. Con. No.	Lot No.	Approx. acres	Cost per year for ten years	Total cost	Name
1251	1	.31	9.54	95.40	G. Sheldon
1251	2	.31	9.54	95.40	G. & M. Sheldon
1251	3	.31	9.54	95.40	E. Croucher
1251	4-5	.62	19.09	190.90	H. Bendle
1251	6	.31	9.54	95.40	K. Schultzs
1251	7	.31	7.15	71.50	H. Sheldon
1251	8	.31	7.15	71.50	D. Madsen
1251	9, 12, 14,				
	19, 20	1.55	35.79	357.90	F. Corner
1251	10	.31	7.15	71.50	A. Kernohan
1251	11	.31	7.15	71.50	J. Harrington
1251	13	.31	7.15	71.50	D. Doran
1251	15	.31	7.15	71.50	O. Vogel
1251	16-18	.93	21.44	214.40	W. Griffiths
1251	21	.31	7.15	71.50	S. Renito
1251	22	.31	9.54	95.40	A. Capabianco
1251	23	.31	9.54	95.40	R. Primrose
1117	1	.70	16.12	161.20	R. Hobbs
1117	2	.46	10.60	106.00	R. Hobbs
1117	3	.46	10.60	106.00	G. Payne
1117	4-5	.64	14.78	147.80	G. Sullivan
1117	6	.34	7.83	78.30	J. Baxter
1117	7	.34	7.83	78.30	R. Corner
1117	8	.34	7.83	78.30	C. & Mrs. C. Lavery
1117	9	.34	7.83	78.30	E. Nicholson
1117	10	.34	7.83	78.30	Mrs. G. Book
1117	11	.34	7.83	78.30	V. Hughes
1117	12	.34	7.83	78.30	H. Newkirk
1117	13	.34	10.46	104.60	N. Fulford
1117	14	.34	10.46	104.60	M. Clarke
1117	15	.42	12.91	129.10	D. Nicholson
1117	16	.42	12.91	129.10	J. Dibins
1117	17	.41	9.46	94.60	Wm. Forbes
1117	18	.41	9.46	94.60	J. Atkinson
1117	19	.40	9.23	92.30	Wm. Harvey
1117	20	.40	9.23	92.30	J. & N. Book
1117	21	.39	9.00	90.00	M. Kierstead
1117	22	.38	8.67	87.60	J. Corner
1117	23	.38	8.67	87.60	D. Carman
1117	24	.37	8.53	85.30	M. Sheldon
1117	25	.37	8.53	85.30	W. Corner
1117	26	.36	8.30	83.00	G. Corner
1117	27	.35	8.06	80.60	E. Nicholson
1117	28	.35	8.06	80.60	A. Cartwright
1117	29	.34	7.84	78.40	E. Deckert
983	1	.26	5.98	59.80	D. Boyd
983	2-3	.52	12.00	120.00	O. Allard
983	4-6	.78	17.99	179.90	A. Sherrek
983	7	.26	5.99	59.90	A. Hedley
983	8	.26	5.99	59.90	H. Martin
983	9	.26	5.99	59.90	J. Ambrose
983	10	.26	5.99	59.90	N. White
983	11	.26	5.99	59.90	P. Butson
983	12	.26	8.00	80.00	L. Colley
983	13	.26	8.00	80.00	V. Pashko
983	14	.24	8.00	80.00	D. Hedley
983	15	.31	9.54	95.40	D. Hedley
983	16-17	.62	14.29	142.90	S. Hyvernon

Schedule "B"—Continued

*Schedule "B"—Continued*

Plan No. Con. No.	Lot No.	Approx. acres	Cost per year for ten years	Total cost	Name
983	18	.31	7.15	71.50	P. Savari
983	19	.31	7.15	71.50	H. Gosley
983	20	.31	7.15	71.50	S. Collins
983	22	.31	7.15	71.50	W. Kelly
983	21	.31	7.15	71.50	C. Robertson
983	23	.31	7.15	71.50	B. Walton
983	24	.31	7.15	71.50	S. Stolec
983	25	.31	7.15	71.50	E. M. Ferrier Est.
983	26	.31	7.15	71.50	M. Connelly
983	27	.31	7.15	71.50	M. Connelly
983	28-29	.62	14.29	142.90	F. Rose
983	30	.31	7.15	71.50	E. M. Ferrier Est.
983	31	.31	7.15	71.50	K. Baxter
983	32	.31	7.15	71.50	C. Roberts
983	33	.31	7.15	71.50	S. Stolec
983	34	.31	7.15	71.50	C. Arczewski
983	35	.31	7.15	71.50	S. Radkowski
983	36	.31	7.15	71.50	S. Mruk
983	37-39	.93	21.41	214.10	A. Primrose
983	40	.31	9.54	95.40	A. Primrose
983	41	.26	8.97	89.70	J. Trela
983	42	.23	7.07	70.70	J. Siebert
983	43	.28	8.61	86.10	J. Siebert
983	44	.28	6.45	64.50	J. Siebert
983	45	.28	6.45	64.50	W. Cieciora
983	46	.28	6.45	64.50	L. Kular
983	47	.28	6.45	64.50	G. Shenan
983	48-49	.56	12.92	129.20	J. Malacrne
983	50	.28	6.45	64.50	E. M. Ferrier Est.
983	51	.28	6.45	64.50	W. M. Nicholl
983	52	.28	6.45	64.50	A. Delemere
983	53	.28	6.45	64.50	M. Connelly
1043	1-2	.54	16.60	166.00	L. Colley
1043	3	.27	6.22	62.20	A. Curnew
1043	4-5	.54	12.45	124.50	Wm. Colley
1043	6-7	.54	12.45	124.50	E. Ferrier Est.
1043	8-9	.54	12.45	124.50	R. Leduc
1043	10-11	.54	12.45	124.50	E. Ferrier Est.
1043	12	.27	6.22	62.20	Wm. Artress
1043	13-15	.81	18.70	187.00	E. Ferrier Est.
1043	Pk. Lot 66	.40	9.23	92.30	
1043	Pk. Lot 67	.48	11.09	110.90	
1043	16	.32	7.39	73.90	G. Wilson
1043	17	.32	7.39	73.90	K. Tobiasin
1043	18-20	.96	22.18	221.80	W. Sheppard
1043	21	.32	7.39	73.90	E. Cayer
1043	22	.32	7.39	73.90	G. Bruneau
1043	23	.32	7.39	73.90	R. Primrose
1043	24-25	.64	14.78	147.80	E. Ferrier Est.
1043	26	.32	7.39	73.90	H. Melton
1043	27	.32	7.39	73.90	S. Zubroniewick
1043	28	.32	7.39	73.90	C. Down
1043	29	.32	7.39	73.90	H. Elchuck
1043	30-31	.64	19.70	197.00	H. Elchuck
1043	32	.32	9.84	98.40	J. Trella
1043	33	.32	9.84	98.40	D. Kerr
1043	34	.32	7.38	73.80	C. Down
1043	35	.32	7.38	73.80	E. Maetche
1043	36	.32	7.38	73.80	L. Stephens
1043	37	.32	7.38	73.80	H. Bourgois
1043	38-39	.64	14.80	148.00	J. Yaroshuk
1043	40	.32	7.38	73.80	M. Herbert
1043	41	.32	7.38	73.80	W. Meyer



*Schedule "B"—Continued*

Plan No. Con. No.	Lot No.	Approx. acres	Cost per year for ten years	Total cost	Name
1043	42-43	.64	14.79	147.90	E. Ferrier Est.
1043	44	.32	7.38	73.80	Mrs. F. Master
1043	45	.32	7.38	73.80	F. Master
1043	46	.32	7.38	73.80	K. Tobiassin
1043	47	.32	7.38	73.80	G. Wilson
1043	48	.51	11.79	117.90	R. W. Hammond
1043	49	.51	11.79	117.90	E. Ford— Mrs. Marceletine
1043	50	.32	7.38	73.80	E. Ferrier Est.
1043	51	.32	7.38	73.80	J. Batten
1043	52	.32	7.38	73.80	J. Jenkins
1043	53	.32	7.38	73.80	G. Nordman
1043	54	.32	7.38	73.80	C. Croutch
1043	55	.32	7.38	73.80	A. Savage
1043	56	.32	7.38	73.80	P. Lomas
1043	57	.32	7.38	73.80	W. Hudson
1043	58	.32	7.38	73.80	J. Wengleiviez
1043	59	.32	7.38	73.80	C. Croutch
1043	60	.32	7.38	73.80	L. Kennedy
1043	61	.32	7.38	73.80	L. Kennedy
1043	62	.32	7.38	73.80	G. Turner
1043	63	.32	7.38	73.80	S. Zubioniewich
1043	64	.32	7.38	73.80	P. Kewal
1043	65	.32	9.85	98.50	Wm. Illsewick
1043	66	.32	9.85	98.50	L. Colley
1123	1	.30	6.92	69.20	E. Ford
1123	2	.30	6.92	69.20	J. Lewekze
1123	3	.30	6.92	69.20	R. Burling
1123	4	.30	6.92	69.20	Wm. Earl
1123	5	.30	6.92	69.20	W. Sokolowski
1123	6	.30	6.92	69.20	B. Walen
1123	7	.30	6.92	69.20	F. Brown
1123	8	.30	6.92	69.20	F. Whalen
1123	9	.30	6.92	69.20	W. Earle
1123	10	.30	6.92	69.20	T. Craig
1123	11-12	.60	13.84	138.40	W. Hulse
1123	13-14	.60	13.84	138.40	E. Buckley
1123	15	.30	6.92	69.20	G. Smith
1123	16	.32	7.38	73.80	G. Roberts
1123	17	.32	7.38	73.80	W. French
1123	18	.32	7.38	73.80	R. Mugford
1123	19	.32	7.38	73.80	M. Gasquanette
1123	20	.32	7.38	73.80	F. Walen
1123	21	.32	7.38	73.80	I. Clemmens
1123	22	.32	7.38	73.80	A. Boone
1123	23-24	.64	14.79	147.90	W. Balon
1123	25-26	.64	14.79	147.90	P. Savard
	23	18.5	17.79	177.90	V. Hulfish
	23	16.0	15.40	154.00	J. Ferrier
	23	.11	2.54	25.40	L. Perlmutar
	23	.11	2.54	25.40	S. Lewis
	23	.11	2.54	25.40	B. Jackson
	23	6.0	11.52	115.20	A. Slapek
	23	49.80	28.78	287.80	F. Corner
Pt. 1 1363	Blk. D	.59	11.34	113.40	
Pt. 1 1363	27	.19	4.39	43.90	J. Barry Est.
Pt. 1 1363	28	.21	4.85	48.50	W. Corner
Pt. 1 1363	29	.19	4.39	43.90	J. Barry Est.
Pt. 1 1363	30	.20	4.62	46.20	P. Goutouski
Pt. 1 1363	31	.25	5.76	57.60	S. Barry
Pt. 1 1363	32	.21	4.85	48.50	E. Nicholson Est.
Pt. 2 1363	74	.23	5.30	53.00	E. M. Ferrier Est.
Pt. 2 1363	75	.23	5.30	53.00	A. Davis

## Schedule "B"—Continued

Plan No. Con. No.	Lot No.	Approx. acres	Cost per year for ten years	Total cost	Name
Pt. 2 1363	76	.22	5.08	50.80	O. Davis
Pt. 2 1363	77	.21	4.85	48.50	Wm. Atkinson
Pt. 2 1363	78	.44	10.15	101.50	Wm. Atkinson
Pt. 2 1363	79	.23	5.30	53.00	Wm. Atkinson
Pt. 2 1363	80	.23	5.30	53.00	R. Kenny
Pt. 2 1363	81	.23	5.30	53.00	K. Ferguson
Pt. 2 1363	82	.23	5.30	53.00	L. Archer
		.07	7.70	77.00	County Rd. No. 16
				(58.11	without interest)
Con. 4	S. ½ 17	.40	11.28	112.80	L. Hubbert

The following assessments are on agricultural properties and it is anticipated that they will be reduced by 33% by a government grant under *The Provincial Aid to Drainage Act, 1954*:

N. ½ 18	50	14.10	141.00	R. Lucas
S. ½ 18	90	25.38	253.80	F. Todd
N. ½ 19	60	16.92	169.20	C. Lucas
S. ½ 19	100	28.20	282.00	C. Lucas
N. ½ 20	60	16.92	169.20	C. Lucas
S. ½ 20	100	28.20	282.00	L. White
N. ½ 21	60	16.92	169.20	H. Ferrier
S. ½ 21	80	22.56	225.60	F. Corner
N. ½ 17	60	16.92	169.20	J. Prosser
N. ½ 18	80	22.56	225.60	S. Donnelly
N. ½ 19	55	15.40	154.00	F. Saunders
N. ½ 20	80	22.56	225.60	H. Stephen
N. ½ 21	70	19.74	197.40	F. Todd

## ASSESSED COSTS FOR EXTENSION TO SCHEME

## WEST OF C.N.R. TRACK

Conc. No.	Lot No.	Approx. Acres	Total Costs		Cost/Yr. for 10 years	Name
			Without Interest	With 6% Interest		
4	S. ½ 17	40	64.50	87.66	5.70	L. Hubbert
	N. ½ 18	50	80.63	109.58	7.13	R. Lucas
	S. ½ 18	90	870.75	1,183.41	76.95	F. Todd
	N. ½ 19	60	64.50	87.66	5.70	C. Lucas
	S. ½ 19	100	430.00	584.40	38.05	C. Lucas
3	N. ½ 17	40	64.50	87.66	5.70	J. Prosser
	N. ½ 18	60	161.25	219.15	14.25	S. Donnelly
	N. ½ 21	70	677.25	920.43	59.85	F. Todd

NOTE.—It is anticipated that the above assessments will be reduced by 33% by a government grant under *The Provincial Aid to Drainage Act, 1954*.

## Schedule "B"—Continued

## ESTIMATED COST

Item	Description	Quantity	Unit	Rate	Cost
<i>Carson Village Area</i>					
1	Bush and Tree Clearance.....	7,000	Sq. Yds.	.10	\$ 700.00
2	Excavation.....	8,000	Cu. Yds.	.35	2,800.00
3	Excavation for Culvert.....	400	Cu. Yds.	.45	180.00
4	Pipework—7' 0" x 5' 1"—gauge structure Plate Pipe Arch...	52	Lin. Ft.	36.00	1,872.00
	7' 0" x 5' 1"—12-gauge struc- ture Plate Pipe Arch.....	126	Lin. Ft.	31.00	3,906.00
5	Gravel.....	105	Cu. Yds.	1.50	157.50
6	Protective Rip-Rap 18".....	250	Sq. Yds.	3.00	750.00
7	Protective Rip-Rap 12".....	85	Sq. Yds.	2.00	170.00
8	Repairing and Replacing Fencing	90	Lin. Yds.	1.00	90.00
9	Supervision and Contingencies..	.....	Item	.....	514.50
10	Court of Revision.....	.....	Item	.....	80.00
11	Clerk's Fees.....	.....	Item	.....	80.00
12	Preparation of By-law.....	.....	Item	.....	100.00
13	Survey, Report and Plans.....	.....	Item	.....	3,100.00
Sub-Total No. 1.....					<u>14,500.00</u>
<i>Extension West of C.N.R. Track</i>					
1	Tree Clearance.....	.....	Item	.....	160.00
2	Excavation.....	6,300	Cu. Yds.	.25	1,575.00
3	Lowering existing culverts across County Road No. 16.....	.....	Item	.....	200.00
4	Survey, Report and Plans.....	.....	Item	.....	320.00
5	Preparation of By-law.....	.....	Item	.....	20.00
6	Supervision and Contingencies..	.....	Item	.....	140.00
Sub-Total No. 2.....					<u>2,415.00</u>
Sub-Total No. 1.....					14,500.00
Sub-Total No. 2.....					2,415.00
TOTAL.....					<u>\$16,915.00</u>





## CHAPTER 170

**An Act respecting The Public School Board of  
S.S. No. 1 of the Unorganized Township of  
Leduc in the Territorial District of  
Thunder Bay**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Public School Board of S.S. No. 1 of <sup>Preamble</sup>  
the Unorganized Township of Leduc in the Territorial  
District of Thunder Bay, herein called the Board, by its peti-  
tion has represented that it has incurred an actual debt of  
\$45,634.74 and a potential debt of an additional \$800 as a  
result of the erection of a two-room public school in and upon  
certain lands in the Township of Leduc; and whereas the  
erection of such school was proceeded with without the  
approval of the Ontario Municipal Board, as a result of which  
the Ontario Municipal Board is without jurisdiction to con-  
sider an application from the Board for approval of the  
exercise by the Board of its power to borrow money by the  
issue of debentures for the purpose of liquidating such debt;  
and whereas it would be unduly burdensome on supporters  
of the School Section to pay such debt forthwith and at the  
same time meet its current annual expenses; and whereas the  
petitioner has prayed for special legislation authorizing the  
Board to borrow money by the issue of debentures to pay off  
such debt; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The Board is hereby authorized to pass a by-law, with-  
out obtaining the approval of the Ontario Municipal Board,  
to borrow a sum not exceeding \$47,000 upon debentures made  
payable in not more than twenty years for the purpose of  
paying for the erection and furnishing of a two-room public  
school erected in and upon lands in the Township of Leduc in  
the District of Thunder Bay, and the by-law when duly  
passed shall be legal, valid and binding upon the Board and

Debenture  
by-law  
authorized

upon

upon the persons and property from and upon which public school rates for the purposes of the Board may be levied and collected.

Application  
of R.S.O.  
1960, c. 274

**2.** Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1 and the debentures to be issued thereunder.

By-law  
deemed  
approved  
by O.M.B.  
R.S.O. 1960,  
cc. 330, 274

**3.** For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 63 of *The Public Schools Act* and section 64 of *The Ontario Municipal Board Act* authorizing the Board to proceed with the undertaking referred to in section 1 and authorizing the Board to issue debentures under section 1.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Leduc Public School Board (S.S. No. 1) Act, 1962-63*.

## CHAPTER 171

## An Act respecting the County of Lincoln

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the County of Lincoln <sup>Preamble</sup>  
by its petition has prayed for special legislation in  
respect of the matter hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Notwithstanding the provisions of *The Assessment Act*, <sup>Adoption of valuations made by county assessment commissioner for 1963 county rates R.S.O. 1960, c. 23</sup>  
The Corporation of the County of Lincoln shall, on or before  
the 1st day of May, 1963, adopt the valuations of real property  
and business assessment of each township, town and village  
in the County of Lincoln made by the county assessment  
commissioner in the year 1962, as finally revised, as the aggre-  
gate valuations of each such municipality for the purpose of  
the county rates and the apportionment thereof for the year  
1963, and such valuations as adopted,

- (a) shall be deemed to be the equalized assessments  
equalized in the year 1962 under section 94 of *The  
Assessment Act* for the purposes of *The Assessment  
Act* and every other Act; and
- (b) shall be and constitute the aggregate valuations of  
such municipalities upon the basis of which the  
apportionment of county rates in the year 1963  
shall be made; and
- (c) shall be deemed to be the assessment of real property  
and business assessment as equalized in the County  
of Lincoln upon which the rates for the purposes of  
the county shall be levied in the year 1963.

2. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
Assent.

3. This Act may be cited as *The County of Lincoln Act*, <sup>Short title</sup>  
1962-63.





## CHAPTER 172

## An Act respecting the City of London

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of London, Preamble  
herein called the Corporation, by its petition has prayed  
for special legislation in respect of the matters hereinafter set  
forth; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The Corporation is authorized and empowered to pay, Repayment  
of deposits  
re drain  
connections  
authorized  
out of the general funds of the municipality, deposits paid to  
it by owners of properties situate in those portions of the  
Townships of London and Westminster, now annexed to the  
City of London, that were paid to permit such owners to make  
private drain connections to the sewerage system of the City  
of London, and, upon payment to those persons who are the  
registered owners and encumbrancers of such properties at the  
time of such payment, the Corporation shall be discharged  
and free from all obligation in respect of such deposits.

2. The Corporation is authorized and empowered to pay Payment  
out of  
general  
funds  
authorized  
out of the general funds of the municipality to Northern  
Electric Company Limited the sum of \$23,480.43 paid by it  
toward the cost of construction, maintenance and operation  
of the Dingman Creek sewage treatment plant.

3. Notwithstanding *The University of Western Ontario Act, 1955*, the Corporation is authorized and empowered to make Grant to  
University  
of Western  
Ontario  
1955, c. 118  
grants to The Board of Governors, The University of Western  
Ontario, of sums raised by levy in the general tax rate not  
exceeding in any one year \$1 per capita of population as  
determined by the last yearly census as returned to the clerk  
by the assessment commissioner.

4. In addition to the powers conferred by section 302 of *The Municipal Act* and subject to the conditions thereof, the Investment  
of funds not  
immediately  
required  
Corporation is authorized and empowered to invest moneys

not required immediately by it in debentures and deposit accounts of loan corporations and trust companies registered under *The Loan and Trust Corporations Act*.

R.S.O. 1960,  
c. 222

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The City of London Act, 1962-63*.

## CHAPTER 173

**An Act respecting McMaster University**

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**W**HEREAS McMaster University by its petition has Preamble  
 prayed for special legislation in respect of the matters  
 hereinafter set forth; and whereas it is expedient to grant the  
 prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.** Section 5 of *The McMaster University Act, 1957* is 1957, c. 144,  
s. 5,  
amended  
 amended by inserting after "property" in the first line  
 "heretofore or", so that the section shall read as follows:

**5.** All property heretofore or hereafter granted, con- Trust  
property  
vested in  
University  
 veyed, devised or bequeathed to or to any person  
 in trust for or for the benefit of the University or  
 any faculty, school or department thereof or other-  
 wise in connection therewith, or to or to any person  
 in trust for or for the benefit of Hamilton College,  
 Moulton College or Woodstock College, subject to  
 any trusts affecting the same, shall be vested in the  
 University.

**2.** *The McMaster University Act, 1957* is amended by 1957, c. 144,  
amended  
 adding thereto the following section:

**6a.** The University shall have power without the consent Expropria-  
tion  
 of the owner or of any other person interested  
 therein, other than a municipal corporation, to enter  
 upon, take, use and expropriate all such real property  
 as it deems necessary for the purposes of the Uni-  
 versity, making due compensation for any such real  
 property to the owners and occupiers thereof and  
 all persons having an interest therein, and the  
 provisions of *The Municipal Act* as to taking land R.S.O. 1960,  
c. 249  
 compulsorily and making compensation therefor,  
 and as to the manner of determining and paying the  
 compensation, apply *mutatis mutandis* to the

University

University and to the exercise by it of the powers conferred by this Act, and, where any act is by any of such provisions required to be done by the clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the secretary of the Board.

1957, c. 144,  
s. 11,  
cls. a, b,  
re-enacted

**3.** Clauses *a* and *b* of section 11 of *The McMaster University Act, 1957* are repealed and the following substituted therefor:

- (a) The Chancellor, President and Vice-Presidents of the University, *ex officio*.
- (b) Thirty-two members to be elected for terms of four years by the Board.

1957, c. 144,  
s. 12, subs. 2,  
re-enacted

**4.** Subsection 2 of section 12 of *The McMaster University Act, 1957* is repealed and the following substituted therefor:

Eligibility  
of staff

- (2) No person on the teaching or administrative staff of the University, other than the President, a Vice-President and two members to be elected under clause *e* of section 11, shall be eligible for membership on the Board.

1957, c. 144,  
s. 13, cl. a,  
amended

**5.** Clause *a* of section 13 of *The McMaster University Act, 1957* is amended by striking out "Vice-President" in the first and second lines and inserting in lieu thereof "one or more Vice-Presidents", so that the clause shall read as follows:

- (a) to appoint and remove the President and one or more Vice-Presidents, the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University, the professors and other members of the teaching staff of the University, provided that all such appointments of the Board, other than appointments for not more than twelve months, shall be made from among such persons as may be nominated by the Senate, and to appoint and remove all other officers, agents and servants of the University.

1957, c. 144,  
s. 14, cl. a,  
re-enacted

**6.** Clause *a* of section 14 of *The McMaster University Act, 1957* is repealed and the following substituted therefor:

- (a) The Chancellor, President and Vice-Presidents, the heads and associate heads of the faculties and colleges that are part of the University, the Director of Extension and the academic heads of colleges affiliated with the University, *ex officio*.



7. Clause *b* of section 16 of *The McMaster University Act*, 1957, c. 144, s. 16, cl. *b*,  
1957 is amended by striking out "Vice-President" in the <sup>amended</sup> second line and inserting in lieu thereof "one or more Vice-Presidents", so that the clause shall read as follows:

(*b*) to nominate for appointment by the Board the President and one or more Vice-Presidents, the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University, the professors and other members of the teaching staff, except in cases of appointments for not more than twelve months.

8. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

9. This Act may be cited as *The McMaster University Act*, Short title  
1962-63.



## CHAPTER 174

## An Act respecting the Town of Mimico

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Town of Mimico <sup>Preamble</sup>  
by its petition has prayed for special legislation enabling  
it to enlarge the composition of its council; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.**—(1) By-law No. 1954, passed by The Corporation of <sup>Effective</sup>  
the Town of Mimico on the 14th day of January, 1963, <sup>date of</sup>  
enacting that the council of the Corporation shall be com- <sup>by-law</sup>  
posed of a mayor to be elected by general vote and six  
councillors to be elected by general vote, shall be deemed,  
notwithstanding subsection 5 of section 151 of *The Municipi-* <sup>R.S.O. 1960,</sup>  
*ality of Metropolitan Toronto Act*, to have taken effect at <sup>c. 260</sup>  
and for the purposes of the biennial election held on the 3rd  
day of December, 1962.

(2) The candidate at the election for council of The <sup>Election of</sup>  
Corporation of the Town of Mimico held on the 3rd day of <sup>candidate</sup>  
December, 1962, who obtained the greatest number of votes  
of the candidates who were not elected shall be deemed to  
have been elected to the council at such election.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Town of Mimico Act*, <sup>Short title</sup>  
1962-63.





## CHAPTER 175

**An Act respecting the City of Niagara Falls**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Niagara Falls and The Corporation of the Township of Stamford by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

**Interpre-  
tation**

- (a) "City" means the City of Niagara Falls as established on the 1st day of January, 1963, by order of the Ontario Municipal Board;
- (b) "cost" includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing any urban service, the cost of managing, operating and maintaining any urban service, the cost of any utility supplied and of any land, buildings and equipment necessary therefor, the cost of the issue and sale of debentures and any discount allowed to the purchasers of them, and the corporation's share of annual charges in respect of any local improvement assessed on a frontage basis;
- (c) "urban service" means,
  - (i) the collection, transmission, treatment and disposal of sewage,
  - (ii) the collection, transmission and disposal of storm water,
  - (iii) the provision and operation of a public transit service,

(iv)

(iv) the provision and distribution of an adequate supply of water, including the provision of a supply of water for fire purposes and other public uses from hydrants or otherwise, and the renting of hydrants, and

(v) sidewalk construction and maintenance;

(d) "urban service area" means all that part of the City described in the Schedule hereto.

Urban  
services

2.—(1) The council of the City may, by by-law passed by a vote of three-fourths of all the members of the council, alter the boundaries of the urban service area, but no such by-law shall take effect until it has been approved by the Ontario Municipal Board.

Cost of  
urban  
services

(2) The aggregate amount of the sums necessary in each year to pay the cost of providing urban services in or for the benefit of any part of the urban service area, including the corporation's portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with the provision of any such service, except to the extent that such cost is raised by special assessments or rates under any general or special Act or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all the rateable property in the urban service area, and no part of such cost shall be levied on the part of the City lying outside the urban service area.

R.S.O. 1960,  
c. 223

R.S.O. 1960,  
c. 249

Charges on  
property in  
urban  
service area

(3) All liabilities of the City in respect of water, sanitary sewers, storm sewers, the corporation's share of annual charges for the construction and maintenance of sidewalks and the supply and operation of a public transit service, which on the 31st day of December, 1962, were liabilities of the Township of Stamford in any special area, in whole or in part within the area hereby defined, or which on that date were liabilities of the City of Niagara Falls, as constituted on that date, shall be discharged by the imposition of rates upon all the rateable property in the urban service area.

Liability  
assumed  
by City

(4) All liability for the property owners' share of local improvement debentures issued prior to the 31st day of December, 1962, by The Corporation of the City of Niagara Falls or The Corporation of the Township of Stamford for watermains are assumed by the City.

Not to  
affect  
exemptions

(5) Nothing herein affects any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

(6) Section 37 of *The Assessment Act* applies to lands situated in the urban service area with respect to taxation or rates levied under or by virtue of this Act as if the urban service area were the whole municipality. Application of R.S.O. 1960, c. 23

(7) The council of the City may from time to time by by-law, with the approval of the Ontario Municipal Board, establish other urban service areas within the City to provide some or all of the services as set out in clause c of section 1, and the rateable property in such urban service areas so established shall be responsible for such capital, interest and maintenance charges as are defined by such by-law, and payment for the same shall be made in the manner provided by such by-law. Future urban service areas

3. The wards presently existing in the City are hereby dissolved. Wards dissolved

4.—(1) A board of education is hereby established, to be known as The Niagara Falls District Board of Education, with jurisdiction over all public and high schools in the City, Village of Chippawa and Township of Willoughby, and, for the purposes of any Act of the Legislature, such Board shall be deemed to have been established under *The Secondary Schools and Boards of Education Act*. Board of education established  
R.S.O. 1960, c. 362

(2) Such Board shall be composed of,

Composition of Board

(a) ten members elected from the City;

(b) two members elected from the Village of Chippawa;

(c) one member elected from the Township of Willoughby; and

(d) two members appointed by the Separate School Board of the City.

(3) The County of Welland is not entitled to appoint a member to such Board. No county representation

(4) The persons elected or appointed to such Board shall be elected or appointed for a two-year term, the first term to commence on the 1st day of January, 1963. Term of office

(5) The election of members of such Board shall be in accordance with the provisions for election from time to time in force in the respective municipalities. Elections

- Debentures (6) All debentures issued for the construction of elementary or secondary schools, or additions thereto, shall be issued by the council of the municipality within which the school is or is to be situated.
- Idem (7) The council of the City shall be deemed to be a majority for the purpose of subsection 4 of section 31 of *The Secondary Schools and Boards of Education Act* and subsection 4 of section 63 of *The Public Schools Act*.
- Application of R.S.O. 1960, cc. 361, 362, 330 (8) The provisions of *The Schools Administration Act*, *The Secondary Schools and Boards of Education Act*, *The Public Schools Act*, and any other general or special Act as they apply to a district board of education that are not inconsistent with the provisions of this Act, apply to such Board.
- Commencement 5. This Act shall be deemed to have come into force on the 1st day of January, 1963.
- Short title 6. This Act may be cited as *The City of Niagara Falls Act, 1962-63*.



## SCHEDULE

The boundaries of the urban service area for the City of Niagara Falls are described as follows:

COMMENCING at the north-easterly limit of the City at the International Line in the Niagara River;

THENCE southerly along the International Line of the Niagara River to the northerly boundary of the Village of Chippawa and following said boundary westerly and south-westerly to the Welland River;

THENCE following the Welland River westerly to the boundary line between Township Lots 208 and 209;

THENCE northerly along the centre line of Kalar Road and Kalar Road extended between Township Lots 208 and 209 to the centre line of the Welland Line Road;

THENCE westerly along the centre line of Welland Line Road to the line between Township Lots 199 and 198 being the centre line of Kalar Road;

THENCE northerly along the centre line of Kalar Road to the centre line of Mountain Road;

THENCE easterly along the centre line of Mountain Road to the centre line of Portage Road;

THENCE north-easterly along the centre line of Portage Road to the centre line of Stanley Avenue, a line between Township Lots 24 and 23;

THENCE northerly along the centre line of Stanley Avenue to the boundary line between the Township of Niagara and the City of Niagara Falls;

THENCE easterly along said City boundary line to the point of commencement.



## CHAPTER 176

# An Act respecting the United Counties of Northumberland and Durham

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the United Counties of Northumberland and Durham by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of The Corporation of the United Counties of Northumberland and Durham may pass a by-law, without obtaining the assent of the electors, providing for the issue of debentures of the Corporation in a principal amount not exceeding \$350,000 bearing interest not exceeding 6 per cent per annum, bearing such date in the year 1963, payable in twenty annual instalments of principal of such amounts and on the same date in the years 1964 to 1983, inclusive, and at such places in Canada, as the council may determine in the by-law, and sections 55 to 61 of *The Ontario Municipal Board Act* apply in respect of such by-law and the debentures issued thereunder.

Debenture  
by-law  
authorized

R.S.O. 1960,  
c. 271

**2.** For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order pursuant to section 31 of *The Secondary Schools and Boards of Education Act* and section 64 of *The Ontario Municipal Board Act* approving the undertaking by The Cobourg District Collegiate Institute Board of the constructing and equipping of an addition to the Cobourg District Collegiate Institute West at Cobourg at an estimated cost of \$616,737 and approving the issue of debentures by The Corporation of the United Counties of Northumberland and Durham in a principal amount not exceeding \$350,000 to raise part of the moneys required to pay the cost of constructing and equipping such addition.

Order of  
Ontario  
Municipal  
Board

R.S.O. 1960,  
c. 362, 274

Proceeds of  
debentures

3. The moneys raised by the issue and sale of such debentures of The Corporation of the United Counties of Northumberland and Durham shall be paid to The Cobourg District Collegiate Institute Board and applied by it towards payment of the cost of constructing and equipping such addition.

Levy for  
payments  
under  
debentures

4. In each of the years 1964 to 1983, inclusive, the councils of the municipalities and parts of municipalities respectively comprising The Cobourg Collegiate Institute District shall levy and raise by a special rate on all the property rateable for school purposes in such municipalities and parts of municipalities respectively their respective proportions of the principal and interest payable under the debentures and of the expenses connected therewith, in accordance with the provisions of *The Secondary Schools and Boards of Education Act*, and the council of each municipality included in The Cobourg Collegiate Institute District shall pay its proportion to the council of The Corporation of the United Counties of Northumberland and Durham on or before the date in each year upon which the payments in respect of the debentures fall due.

R.S.O. 1960,  
c. 362

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The United Counties of Northumberland and Durham Act, 1962-63*.



## CHAPTER 177

## An Act respecting the City of Oshawa

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Oshawa by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The council of The Corporation of the City of Oshawa may by by-law authorize the payment by The Corporation of the City of Oshawa to Lander Coal Company Limited, Bathe and McLellan Building Supplies Limited, and McLaughlin Coal and Supplies Limited, of \$10,000 each to compensate such companies for all loss or damage that may be suffered by the companies by reason of the removal of the railway tracks of Canadian National Railways from King Street in the City of Oshawa, and to obtain the consent of such companies to an order by The Board of Transport Commissioners for Canada authorizing the removal of such tracks. <sup>Authority to pay compensation re removal of railway tracks</sup>
- 2.** No payment shall be made by The Corporation of the City of Oshawa under the authority of this Act until after The Board of Transport Commissioners for Canada has made an order authorizing the removal of the tracks of Canadian National Railways from King Street in the City of Oshawa. <sup>Order of Transport Board required</sup>
- 3.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>
- 4.** This Act may be cited as *The City of Oshawa Act*, <sup>Short title</sup> 1962-63.



## CHAPTER 178

## An Act respecting the City of Ottawa

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Ottawa, <sup>Preamble</sup>  
herein called the Corporation, by its petition has  
prayed for special legislation in respect of the matter herein-  
after set forth; and whereas it is expedient to grant the prayer  
of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Schedule A to *The City of Ottawa Superannuation Fund Act, 1939* is amended by striking out "This By-law shall apply to all employees of the Corporation, with the exception of those who come under the superannuation schemes of the Police and Fire Departments" in the first, second and third lines of subsection 1 of section 2 of By-law No. 7200 and inserting in lieu thereof "The terms and conditions of this By-law apply to the employees of the Corporation and, with the concurrence of any local board and the council, to the employees of the local board". <sup>1939, c. 66,  
Sched. A,  
amended</sup>

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
Assent.

**3.** This Act may be cited as *The City of Ottawa Act, 1962-63*. <sup>Short title</sup>





## CHAPTER 179

## An Act respecting the Ottawa Civic Hospital

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Ottawa by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the Ottawa Civic Hospital; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 6 of *The Ottawa Civic Hospital Act* is repealed and the following substituted therefor: <sup>1919, c. 122, s. 6, subs. 1, re-enacted</sup>

- (1) The management and control of the hospital, includ- <sup>Board of Trustees</sup> ing the power of making all appointments to the staff thereof, shall be vested in, and exercised by, a board of fourteen trustees, constituted as follows: the mayor of the said city, the president of the medical staff and the vice-president of the medical staff of the Ottawa Civic Hospital shall be *ex officio* members of such board; two members thereof shall be appointed annually by the council of the said corporation from the members thereof, upon the nomination of the Board of Control, and the remaining nine trustees shall be appointed by the council upon the nomination of the said Board of Control, from the ratepayers of the said city, and shall hold office as provided by subsection 5.

(2) Subsection 5 of the said section 6 is repealed and the following substituted therefor: <sup>1919, c. 122, s. 6, subs. 5, re-enacted</sup>

- (5) The term of office of the nine trustees appointed from <sup>Term of office of appointees</sup> the ratepayers of the said city under subsection 1 shall, in the first instance, be regulated as follows: three of such trustees designated by council shall hold office until the end of the first year after the year of their appointment; three of such trustees, designated in like manner, shall hold office until the

end of the second year after the year of their appointment, and the remaining three shall hold office until the end of the third year after the year of their appointment; and thereafter the council shall, so often as the office of a trustee who is not a member of the council becomes vacant, elect a successor thereto, who shall hold office for a term of three years and until his successor is appointed.

1919, c. 122,  
s. 6, subs. 9,  
amended

(3) Subsection 9 of the said section 6 is amended by striking out "nine (9)" in the sixth line and inserting in lieu thereof "fourteen", so that the subsection shall read as follows:

Filling of  
vacancies

(9) Whenever, from any cause, the office of an appointed trustee becomes vacant prior to the expiration of his term of office, the council shall, without unnecessary delay, and in the manner provided by subsection 1 or 2 of this section, appoint a successor, so as to keep the membership of the said board up to the full number of fourteen, and the person so appointed shall hold office for the remainder of the term of the trustee whose place he is appointed to fill.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Ottawa Civic Hospital Act*, 1962-63.

## CHAPTER 180

## An Act respecting the City of Port Arthur

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Port Arthur, <sup>Preamble</sup> herein called the Corporation, by its petition has represented that the lands described in certain tax deeds, hereinafter mentioned, were intended to cover and include all of the lands lying east and south of the McIntyre River, being portions of lots 7, 8, 9 and 10, according to the plan registered in the registry office for the Registry Division of Port Arthur as No. 1499, a portion of the northeast quarter of Section 52, formerly in the Township of McIntyre, now Port Arthur, and a portion of the southeast quarter of the said Section lying east of a line drawn parallel to the east limit of the Canadian Pacific Railway right-of-way and distant 100 feet measured easterly therefrom and perpendicularly thereto, but that the descriptions thereof in such tax deeds give rise to some doubt and uncertainty; and whereas the Corporation desires to remove such doubt and uncertainty and to have such lands vested in the Corporation in fee simple, free of encumbrances; and whereas there are several road allowances in and through the lands, including a portion of the original road allowance along the shore of Thunder Bay, which the Corporation desires to have closed and vested in the Corporation; and whereas the petitioner has prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The tax deed registered in the registry office for the Registry Division of Port Arthur as Instrument No. 3859C shall be construed and read as if, at the time of the execution and delivery thereof and at the time of registration thereof, the descriptions therein were as follows: <sup>Tax deed  
No. 3859C  
amended</sup>

*Firstly:*

All that portion of the south half of the northeast quarter of Section 52, formerly in the Township of McIntyre, now

Port Arthur,

Port Arthur, lying east of the eastern boundary of Lot 10 according to the plan registered in the registry office for the Registry Division of Port Arthur as No. 1499;

*Secondly:*

All that portion of the southeast quarter of Section 52, formerly in the Township of McIntyre, now Port Arthur, lying east of a line drawn parallel to the east limit of the Canadian Pacific Railway right-of-way and distant 100 feet measured easterly therefrom and perpendicularly thereto and southerly from the right bank of the McIntyre River, which includes the portion of the allowance for roads described in section 2, and entitled *Secondly*, of *The City of Port Arthur Act, 1962-63*;

instead of the descriptions actually set out in the deed.

Stopping  
up and  
vesting road  
allowances

2. The allowances for roads and highways, being all and singular those certain parcels or tracts of lands and premises situate, lying and being in the Township of McIntyre, now in the City of Port Arthur, in the District of Thunder Bay, in the Province of Ontario, and being composed of parts of the southeast quarter and the south half of the northeast quarter of Section 52 and a portion of the original road allowance along the shore of Thunder Bay adjoining the east boundary of the said Section, in the Township of McIntyre, and more particularly described as follows:

*Firstly:*

That portion of the original road allowance along the shore of Thunder Bay adjoining the east boundary of the said Section 52 and lying south of the production easterly of the line between the north half and the south half of the northeast quarter of the said Section 52 and the production easterly of the south limit of the said Section;

*Secondly:*

A 66-foot strip of land lying south of and adjoining the north boundary of the southeast quarter of the said Section 52 and extending easterly from the right bank of the McIntyre River to the east boundary of the said Section and known as Main Street according to the plan registered in the registry office for the Registry Division of Port Arthur as No. 1499;

*Thirdly:*

A 66-foot strip of land lying between lots 8 and 9 as shown on Plan No. 1499 and extending southerly from the right bank of the McIntyre River to the line between the northeast quarter and the southeast quarter all of the said



Section 52 and known as Hamilton Avenue according to the plan registered in the registry office for the Registry Division of Port Arthur as No. 1499;

are hereby stopped up and closed and are hereby declared to be vested in The Corporation of the City of Port Arthur.

**3.** The lands situate, lying and being in the City of Port Arthur, in the District of Thunder Bay, and being composed of portions of the south half of the northeast quarter and of the southeast quarter of Section 52, formerly in the Township of McIntyre, now in the City of Port Arthur, and the lands according to the plan registered in the registry office for the Registry Division of Port Arthur as No. 1499, all of which are more particularly described as follows:

Lands  
vested in  
Corporation

*Firstly:*

All that portion of the said southeast quarter of Section 52 lying east of a line drawn parallel to the east limit of the Canadian Pacific Railway right-of-way and distant 100 feet measured easterly therefrom and perpendicularly thereto and southerly from the right bank of the McIntyre River, which includes the portion of the allowances for roads and highways hereinbefore described in section 2, entitled *Secondly*;

*Secondly:*

All those portions of lots 7, 8, 9 and 10 lying east and south of the right bank of the McIntyre River according to the plan of subdivision registered in the registry office for the Registry Division of Port Arthur as No. 1499;

*Thirdly:*

All that portion of the said south half of the northeast quarter of Section 52 shown as four unnumbered lots lying east of the east limit of Lot 10 according to the plan of subdivision registered in the registry office for the Registry Division of Port Arthur as No. 1499;

are hereby declared to be vested in The Corporation of the City of Port Arthur, free and clear from all right, title and interest whatsoever of any other person, firm or corporation whomsoever and free and clear of all charges and encumbrances thereon.

**4.** The clerk of The Corporation of the City of Port Arthur shall present two certified copies of this Act to the registrar of deeds for registration in the registry office for the Registry

Registration

Division of Port Arthur, and the registrar shall forthwith register such copies of the Act as he would any other instrument within the meaning of *The Registry Act*.

R.S.O. 1960,  
c. 348

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The City of Port Arthur Act, 1962-63*.

## CHAPTER 181

# An Act respecting The Presbyterian Church in Canada

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**W**HEREAS The Trustee Board of The Presbyterian Church in Canada and the Executive of the Administrative Council of The Presbyterian Church in Canada by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 12 of *An Act respecting the Trustee Board of The Presbyterian Church in Canada* is repealed and the following substituted therefor:

- (a) Power to invest or reinvest or lend moneys in or upon any securities, real or personal, in which a Canadian insurance company may invest its funds or upon which it may lend its funds under the authority of the *Canadian and British Insurance Companies Act*, subject to the same limitations and conditions as apply to such a company pursuant to that Act, except that investments in common shares shall not be subject to the limitation set out in subsection 7 of section 63 thereof, and the Board shall have all such rights and remedies for the collection, enforcement or repayment of an investment or loan as any individual or corporation would have by law in the premises.

(2) The said section 12 is amended by adding thereto the following clauses:

- (e) Power to hold and retain any property, real or personal, received by way of gift, devise, deed, conveyance, transfer, lease, bequest or assignment to or for the benefit of The Presbyterian Church in

Canada or any of the trusts in connection with the said church, or any of the institutions, organizations, schemes or funds of the said church, notwithstanding that the said property is not in the nature of an investment authorized by law for the investment of trust funds or an investment in which the Board is empowered to invest or reinvest moneys under clause a;

Pension  
plans, etc.

- (f) Power to establish one or more plans providing for payments by way of gratuities, pensions, superannuation or retirement allowances, annuities or insurance benefits for ministers or former ministers of The Presbyterian Church in Canada, their widows and orphan children, and employees or servants or former employees or servants of the said church, or any class or classes thereof, out of any fund or funds comprising contributions made by such persons or any class or classes thereof, or by the said church or by the Board, or by all or any of them or otherwise, whether effected by agreements or arrangements entered into with one or more insurance companies authorized under the laws of Canada or of any province thereof to transact business in Canada, or with Her Majesty in right of Canada, or with Her Majesty in right of any province of Canada, or otherwise, or to vary or terminate any such plan heretofore or hereafter established, and, for the purposes aforesaid, to sell, transfer, assign and convey such funds and assets, in whole or in part, as may now or hereafter be held or received by the Board for the purposes of any such plan; provided that the establishment, variation or termination of any such plan shall be subject to the approval and direction of the General Assembly, the Administrative Council or the Executive of the Administrative Council of the said church.

1939, c. 69,  
amended

**2.** *An Act respecting the Trustee Board of The Presbyterian Church in Canada* is amended by adding thereto the following section:

Adminis-  
trative  
bodies

- 20a. Wherever in this Act reference is made to the Board of Administration or the Administrative Council of The Presbyterian Church in Canada, such references apply to the board, council, committee or other body, by whatever name called, that is from time to time vested with the chief executive and administrative powers of The Presbyterian Church in Canada between meetings of the General Assembly of the said church.



**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sub>ment</sub>

**4.** This Act may be cited as *The Presbyterian Church in* <sup>Short title</sup>  
*Canada Act, 1962-63.*



## CHAPTER 182

**An Act respecting the Institute of Professional Librarians of Ontario**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS the Institute of Professional Librarians by <sup>Preamble</sup> its petition has represented that it was incorporated by letters patent, dated the 9th day of March, 1960, under *The Corporations Act, 1953* and that it is desirous of being <sup>1953, c. 19</sup> continued as a corporation for the purpose of promoting and advancing the cause of library service and for the carrying out of the objects of the Institute; and whereas the petitioner has prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

**Interpre-  
tation**

- (a) "Board" means the Board of the Institute;
- (b) "Institute" means the Institute of Professional Librarians of Ontario;
- (c) "member" means a member of the Institute;
- (d) "registered" means registered as a member under this Act, and "registration" has a corresponding meaning;
- (e) "registrar" means the registrar of the Institute.

**2.** The Institute of Professional Librarians is continued as <sup>Institute continued</sup> a corporation, and the persons registered as members of the Institute on the day this Act comes into force and such other persons as hereafter become members of the Institute constitute the corporation under the name "Institute of Professional Librarians of Ontario".

**3.** The head office of the Institute is at the City of Toronto. <sup>Head office</sup>

## Objects

## 4. The objects of the Institute are,

- (a) to promote and advance the cause of library service, and to arouse and increase public interest in, and the use of, professional library service;
- (b) to raise the standards of library service by upholding standards for professional librarianship, and by encouraging study and research on the part of professional librarians;
- (c) to promote and advance the interests and welfare of registered professional librarians, and to secure conditions that will make possible the best professional service;
- (d) to co-operate with other organizations having similar objects.

## Property

5. The Institute may purchase, acquire or take by gift, devise, bequest or donation any real or personal property for the purposes of the Institute and mortgage or lease the same, and may sell or otherwise dispose of any real or personal property not required for the purposes of the Institute.

## Board

6.—(1) The Board shall consist of not fewer than eleven members elected from the membership of the Institute.

## Election

(2) The manner of electing the members of the Board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Board, and other necessary details, shall be as defined by the by-laws.

## Quorum

(3) At any meeting of the Board, a majority of the members of the Board constitutes a quorum.

President,  
vice-  
presidents

7.—(1) The Board shall at its first meeting each year elect a president, a first vice-president and a second vice-president from among its members, who shall hold office until their successors are elected.

## Officers

(2) The Board shall appoint a registrar and a secretary and a treasurer, who shall hold office during the pleasure of the Board, and any two or more of such offices may be held by one person.



(3) In the case of the death, resignation or incapacity of <sup>Vacancies</sup> any member of the Board, the office shall be declared vacant by the Board, and the Board shall fill the vacancy in such manner as may be provided by the by-laws of the Institute for the balance of the term, and absence from three consecutive meetings may be treated by the Board as incapacity.

**8.—(1) The Board may pass by-laws,**

**By-laws**

- (a) respecting the admission and registration of members;
- (b) respecting the register of members;
- (c) prescribing the notice, time, place and order of business of meetings of the members and of the Board;
- (d) providing for the government and discipline of the members;
- (e) prescribing a code of professional ethics;
- (f) providing for the establishment and operation of committees;
- (g) prescribing the duties of the registrar, the treasurer and the secretary;
- (h) instituting and providing means for increasing the knowledge and skill of the members, and for maintaining a high standard of professional ethics;
- (i) providing for and prescribing the terms and conditions of honorary membership and associate membership in the Institute;
- (j) respecting the management of the property of the Institute;
- (k) providing for the investment of any money not immediately required in securities in which trust moneys may be invested by law;
- (l) for all such purposes as may be deemed necessary or convenient for the management of the Institute and the conduct of its affairs.

(2) As between members, the ruling of the Board on the <sup>Interpre-</sup> construction and interpretation of the by-laws is final. <sup>tation</sup> of by-laws

(3) No by-law has any force or effect until it has been <sup>Approval</sup> approved by a general meeting of the members, of which <sup>of by-laws</sup> meeting notice shall be given by mail to all members at least thirty days before it is held.

Registration  
committee

**9.**—(1) The Board shall appoint annually a registration committee.

Application  
for  
registration

(2) An application for registration shall be made to the registrar and referred by him to the Board, which may direct that registration be granted forthwith or that the applicant take an examination before the registration committee or such members of the committee as may be deputed by the Board to conduct such examination.

Examina-  
tions

(3) Examinations of applicants for registration shall be held at such time and at such place or places as the Board may direct.

Notice of  
examination  
results

(4) As soon as possible after the close of each examination, the members of the registration committee who have conducted the examination shall make and file with the registrar a certificate stating the result of such examination, whereupon the registrar shall notify each candidate of the result of his examination and of the Board's decision upon his application.

Persons  
eligible for  
membership

**10.** A person is eligible for membership if he,

- (a) holds a degree from a university recognized by resolution of the Board, together with a post-graduate degree from a library school accredited by the Canadian Library Association or the American Library Association; or
- (b) holds a degree from a university recognized by resolution of the Board, together with what the Board may by resolution define as a professional training in librarianship equivalent to a post-graduate degree from a library school accredited by the Canadian Library Association or the American Library Association; or
- (c) holds a degree from a university recognized by resolution of the Board, has undergone professional training in librarianship, has taken an examination, as described in section 9, and has achieved what the Board may deem to be a satisfactory result in such examination.

Designation

**11.**—(1) Every member of the Institute has the right to use the designation "Registered Professional Librarian" and may use the initials "R.P.L.", indicating that he is a registered professional librarian.

(2) Any person in Ontario who, not being a registered <sup>Offence</sup> member of the Institute, takes or uses the designation "Registered Professional Librarian" or the initials "R.P.L.", or any name, title or description implying or which may lead to the belief that he is a registered member of the Institute, is guilty of an offence and, on summary conviction, is liable to a fine of not more than \$50 for each offence.

(3) All fines recovered under subsection 2 shall be paid <sup>Fines payable to Institute</sup> over forthwith by the convicting magistrate to the Institute.

**12.**—(1) Every member of the Institute shall, annually <sup>Fees</sup> on or before the 1st day of July, pay to the treasurer such registration fee, not exceeding \$50, as the by-laws prescribe for the year then commencing.

(2) Where a member does not pay the prescribed fee on or <sup>Non-payment of fees</sup> before the 1st day of October of the year for which it is payable, his registration may, after enquiry, be suspended by the Board, but any registration so suspended may be reinstated upon payment of the fee and such fine, not exceeding \$25, as the by-laws prescribe.

(3) As soon as a registration is suspended under subsection 2, <sup>Suspension</sup> the person affected ceases to be registered, and the registrar shall make a note thereof in the register.

**13.**—(1) In every case where registration is in issue, the <sup>Copy of register as evidence</sup> production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as registrar is *prima facie* evidence that such person is the registrar without any proof of his signature or of his being in fact the registrar.

(2) The absence of the name of any person from such copy <sup>Prima facie evidence</sup> is *prima facie* evidence that such person is not registered.

**14.** Nothing in this Act affects the practice of any profession <sup>Application of Act</sup> or calling by any person practising the same under any general or special Act, and nothing in this Act or the by-laws passed by the Board pursuant to this Act shall be taken or deemed to relieve any person from compliance with any general or special Act relating to the practice of any profession or calling.

**15.** This Act comes into force on the day it receives Royal <sup>Commencement</sup> Assent.

**16.** This Act may be cited as *The Institute of Professional* <sup>Short title</sup> *Librarians of Ontario Act, 1962-63.*





## CHAPTER 183

**An Act respecting  
the George Taylor Richardson Trust**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS William McAdam Nickle and John Athearne <sup>Preamble</sup> Partridge, trustees of the George Taylor Richardson Trust, by their petition have represented that they are the successors of the late William Fogler Nickle, of the City of Kingston, formerly one of Her Majesty's counsel and a trustee of the George Taylor Richardson Trust, whose powers as trustee were enlarged by *The George Taylor Richardson Trust Act, 1932*, <sup>c. 113</sup> that the restrictions incidental to the trust make it impractical to use wisely the funds of the trust in their entirety, that there is on hand for administration substantial funds for which there appears to be no immediate or prospective requirement for the benefit of those designated as beneficiaries of the trust, and that the funds should be expended for charitable purposes to advance the interest or relieve the distress of persons residing in the City of Kingston, in the County of Frontenac; and whereas the petitioners have prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In addition to the powers of the trustees under *The George Taylor Richardson Trust Act, 1932*, <sup>Powers of trustees</sup> the trustees or their successors may pay, after making proper expenditures and provision for payment of solicitors' fees and executors' compensation,

- (a) 75 per cent of the net capital and income moneys of the trust to the Governing Council of the Salvation Army Canada East to be used in its sole discretion for welfare purposes in the City of Kingston;
- (b) 12½ per cent of the net capital and income moneys of the trust to Sir Archibald Cameron Macdonnell

Branch No. 9, Canadian Legion, Kingston, to be used in its sole discretion for welfare purposes;

- (c)  $12\frac{1}{2}$  per cent of the net capital and income moneys of the trust to Limestone City Branch No. 560 of the Canadian Legion, Kingston, to be used in its sole discretion for welfare purposes.

Use of  
funds  
confirmed

**2.** It is hereby declared that any uses of the funds of the trust heretofore made by the trustee or trustees are confirmed and declared to have been and to be legal and valid.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The George Taylor Richardson Trust Act, 1962-63*.

## CHAPTER 184

**An Act respecting  
the City of Sault Ste. Marie**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Sault Ste. Marie, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) By-law No. 2814 of the Corporation, passed on the 11th day of July, 1960, and registered in the registry office for the Registry Division of Algoma on the 19th day of March, 1962, as Instrument No. T-45051 for the District of Algoma, purporting to stop up and close part of Hudson Street, part of Thompson Street (also known as Clergue Street) and certain lanes in the Hudson Bay Company Sub-division in the City of Sault Ste. Marie, according to a plan thereof registered in such registry office as Plan No. 4175, and more particularly described in the by-law, is confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. By-law  
validated

(2) By-law No. 2821 of the Corporation, passed on the 8th day of August, 1960, and registered in such registry office on the 19th day of March, 1962, as Instrument No. T-45052 for the District of Algoma, purporting to consent to The International Bridge Authority of Michigan, herein called the Bridge Authority, connecting in perpetuity the bridge works mentioned in section 20 of *An Act to incorporate St. Mary's River Bridge Company* with a part of Huron Street in the City of Sault Ste. Marie, and purporting to grant an easement in perpetuity for the construction, maintenance and operation of the bridge over parts of Queen Street West, George Street and Portage Street in the City, more particularly described in the by-law, is confirmed and declared to be legal, By-law  
validated  
1955, c. 64  
(Can.)

valid

valid and binding upon the Corporation and the ratepayers thereof and to have vested the easement in the Bridge Authority as appurtenant to the lands of the Bridge Authority and in accordance with the terms of the by-law.

By-law  
validated

(3) By-law No. 3019 of the Corporation, passed on the 26th day of February, 1962, and registered in such registry office on the 19th day of March, 1962, as Instrument No. T-45053 for the District of Algoma, purporting to stop up part of a lane in the Cundy and Marriott Subdivision in the City of Sault Ste. Marie, according to a plan thereof registered in such registry office as Plan No. 1092, and authorizing the sale of the soil and freehold of the stopped-up part of such lane, is confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Deed of  
conveyance  
validated

(4) The Indenture of Grant, dated the 26th day of February, 1962, and registered in such registry office on the 4th day of April, 1962, as Instrument No. T-45441 for the District of Algoma, between the Corporation, as grantor, and the Bridge Authority, as grantee, purporting to convey title to,

- (a) certain lanes in the Hudson Bay Company Sub-division;
- (b) parts of Hudson Street and Clergue Street (also known as Thompson Street);
- (c) part of a certain lane in the Cameron and Carney Subdivision, according to a plan thereof registered in such registry office as Plan No. 3965;
- (d) the northerly 20 feet of original Town Plot Lot 16 on the north side of Queen Street; and
- (e) part of a certain lane in the Cundy and Marriott Subdivision, according to a plan thereof registered in such registry office as Plan No. 1092,

all in the City of Sault Ste. Marie and more particularly described in the Indenture of Grant, is confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof and to have vested the fee in such lands in the Bridge Authority as therein provided.

Deed of  
conveyance  
validated

(5) The Indenture of Grant of Easement, dated the 26th day of March, 1962, and registered in such registry office on the 30th day of March, 1962, as Instrument No. T-45329 for the District of Algoma, between the Corporation, as grantor, and the Bridge Authority, as grantee, purporting to grant



to the Bridge Authority in perpetuity and as appurtenant to certain lands therein described the rights and easement to construct, maintain and operate the bridge over parts of George Street, Queen Street West and Portage Street described therein, is confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof and to have vested such rights and easement in the Bridge Authority as therein provided.

2.—(1) Notwithstanding anything contained in *An Act* <sup>Exempted municipal highways under 1901, c. 71</sup> *respecting the Town of Sault Ste. Marie, The Lake Superior Power Company and certain other Companies and persons*, herein referred to as the Special Act,

(a) all that part of West Street in the City of Sault Ste. Marie lying south of the southerly limit of Superior Street (now Queen Street West) produced west, save and except the portion thereof described in By-law No. 1592, passed by the Corporation on the 13th day of October, 1936, and registered in the registry office for the Registry Division of Algoma on the 15th day of December, 1937, as Instrument No. 528 in the register for By-laws; and

(b) all that part of Portage Street in the City of Sault Ste. Marie more particularly described as follows:

COMMENCING at the point of intersection of the north limit of Portage Street with the west limit of James Street;

THENCE easterly along the north limit of Portage Street 241.5 feet more or less to the north-west limit of the right-of-way of the Canadian Pacific Railway;

THENCE south-westerly along the north-west limit of the said right-of-way to the point of its intersection with the south limit of Portage Street;

THENCE westerly along the south limit of Portage Street to the point of its intersection with the production southerly of the west limit of James Street;

THENCE northerly along the southerly production of the west limit of James Street a distance of 66 feet to the point of commencement,

are declared to be municipal highways that are not subject to the Special Act.

(2) Notwithstanding the Special Act, the parts of Portage Street described in the Schedule hereto are stopped up and the soil and freehold thereof are vested in The Algoma Steel <sup>Parts of street stopped up and vested</sup> Corporation, Limited.

Deeds of  
conveyance  
validated

(3) Notwithstanding the Special Act, the deed of conveyance dated the 9th day of November, 1936, and registered in such registry office on the 15th day of December, 1937, as Instrument No. 42241 for the District of Algoma, between the Corporation, as grantor, and Algoma Central Terminals Limited, as grantee, purporting to convey title to parts of West Street and Portage Street in the City of Sault Ste. Marie, as described therein, and the quit claim deed, dated the 28th day of December, 1960, and registered in such registry office on the 12th day of January, 1961, as Instrument No. T-35758 for the District of Algoma, between the Corporation, as grantor, and the Bridge Authority, as grantee, purporting to release all interest of the grantor in part of Portage Street, as described therein, are confirmed and declared to be legal, valid and binding upon the Corporation and the rate-payers thereof and to have vested the fee in such lands in the respective grantees as therein provided.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Sault Ste. Marie Act, 1962-63*.

## SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Sault Ste. Marie, in the District of Algoma and Province of Ontario, and being composed of the two parts of Portage Street that are more particularly described as follows:

*First:*

COMMENCING at a point in the north limit of Portage Street distant 110 feet measured easterly from the point of intersection of the north limit of Portage Street with the east limit of West Street;

THENCE easterly along the north limit of Portage Street a distance of 550 feet more or less to the point of intersection of the north limit of Portage Street with the west limit of James Street;

THENCE southerly at right angles to the north limit of Portage Street a distance of 66 feet to a point in the south limit of Portage Street;

THENCE westerly along the south limit of Portage Street a distance of 311.3 feet more or less to a point 414.7 feet measured easterly along the south limit of Portage Street from the point of intersection of the south limit of Portage Street with the west limit of West Street;

THENCE north-westerly along a curve to the right having a radius of 683.779 feet, an arc distance of 243.99 feet, the chord equivalent of which measures 242.73 feet and has a bearing of North 70 degrees and 37 minutes West, to a point distant 23.23 feet from the north limit of Portage Street measured southerly at right angles therefrom;

THENCE northerly in a straight line 23.23 feet to the point of commencement.

*Secondly:*

COMMENCING at a point in the north limit of Portage Street distant thereon 208.9 feet westerly from the west limit of George Street;

THENCE south-westerly on a curve to the left of radius 2,350 feet an arc distance of 82.04 feet more or less to a point in the south limit of Portage Street the chord equivalent of which is South 45 degrees 41 minutes and 11 seconds West 82.03 feet more or less;

THENCE easterly and along the south limit of Portage Street to the point of the intersection of the south limit of Portage Street and the production of the east limit of Hudson Street southerly in a straight line;

THENCE northerly in a straight line to the point of intersection of the east limit of Hudson Street and the north limit of Portage Street;

THENCE westerly and along the north limit of Portage Street to the point of commencement.





## CHAPTER 185

# An Act respecting the Township of Scarborough

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Township of Scar- <sup>Preamble</sup>  
borough by its petition has prayed for special legislation  
in respect of the matters hereinafter set forth; and whereas  
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.**—(1) The council of the Township of Scarborough, with- <sup>Composition</sup>  
out the assent of the electors, may by by-law provide that the <sup>of council</sup>  
council shall be composed of a reeve and deputy reeve, each  
to be elected by general vote, and a councillor to be elected  
for each ward.

(2) Such by-law and any by-law repealing such by-law <sup>When</sup>  
shall take effect at and for the purpose of the municipal <sup>by-law to be</sup>  
election next after the passing of it. <sup>effective</sup>

**2.** The following are repealed:

Repeal:

1. *The Township of Scarborough Act, 1954.* 1954, c. 127
2. Section 1 of *The Township of Scarborough Act, 1957.* 1957, c. 155,  
s. 1
3. Schedule A to *The Township of Scarborough Act, 1957.* 1957, c. 155,  
Sched. A

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**4.** This Act may be cited as *The Township of Scarborough* <sup>Short title</sup>  
*Act, 1962-63.*



## CHAPTER 186

**An Act respecting  
The St. Catharines General Hospital**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The St. Catharines General Hospital by its <sup>Preamble</sup> petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The St. Catharines General Hospital Act, 1924* <sup>1924, c. 153,  
s. 2,  
re-enacted</sup> is repealed and the following substituted therefor:

- 2.** The persons hereinafter named and their successors <sup>Incorporation</sup> in office, with the mayor and either the treasurer or city administrator, whichever the council of The Corporation of the City of St. Catharines shall from time to time designate, for the time being of the City of St. Catharines, are hereby constituted and shall be a corporation under the name of "The St. Catharines General Hospital", hereinafter called the new corporation, for the purposes and with the powers herein mentioned.

**2.** Section 3 of *The St. Catharines General Hospital Act*, <sup>1924, c. 153,  
s. 3,  
amended</sup> 1924 is amended by inserting after "treasurer" in the sixth line "or city administrator", so that the section shall read as follows:

- 3.** The said persons, namely, John G. Moore, Jabez <sup>Board of</sup> Newman, Reuben W. Leonard, Arthur L. Bishop, James D. Chaplin, William H. Merritt, Frank C. McCordick, Albert F. Fifield, J. Ivan McSloy, James K. Kernahan, William C. Turnbull and George B. Burson, and their successors in office, with the said mayor and treasurer or city administrator, shall constitute the Board of Governors (hereinafter called the Board) of the said new cor-

poration,

poration, and the said persons named, with the present said mayor and treasurer, shall be the first Board.

1924, c. 153,  
s. 4,  
re-enacted

3. Section 4 of *The St. Catharines General Hospital Act, 1924* is repealed and the following substituted therefor:

Vacancies

4. Upon a vacancy on the Board occurring by death, resignation or otherwise, except in the case of the said mayor and treasurer or city administrator, the Board may appoint a person to fill such vacancy for such term and in such manner as the by-laws may from time to time provide.

1924, c. 153,  
s. 5,  
amended

4. Section 5 of *The St. Catharines General Hospital Act, 1924* is amended by inserting after "treasurer" in the fourth line "or city administrator", so that the section shall read as follows:

Resolution  
to declare  
seat vacant

5. The Board may, by resolution passed by a two-thirds vote of the members present at a meeting duly called for that purpose, declare the seat of any member, other than the said mayor or treasurer or city administrator, to be vacant.

1924, c. 153,  
s. 6,  
amended

5. Section 6 of *The St. Catharines General Hospital Act, 1924* is amended by inserting after "treasurer" in the third line "or city administrator", so that the section shall read as follows:

Membership  
of Board

6. The Board shall, until their number is changed as herein provided, consist of twelve members, in addition to the mayor and treasurer or city administrator, but such number may from time to time be increased or decreased by by-law of the Board passed at a special meeting called for the purpose; provided that the number shall never be less than nine. The Board shall, in any by-law which may be passed to increase or decrease such number, have power to prescribe and govern the manner in which the change of number shall be effected.

1924, c. 153,  
s. 12, subs. 2  
(1955  
c. 116, s. 1),  
cl. 4,  
amended

6. Clause *a* of subsection 2 of section 12 of *The St. Catharines General Hospital Act, 1924*, as enacted by section 1 of *The St. Catharines General Hospital Act, 1955*, is amended by adding at the end thereof "provided that the Board may invest up to 35 per cent of the aggregate market value of its trust funds at the time of investment in common shares", so that the clause shall read as follows:

- (a) may authorize and direct the investment of all its funds, which are to be invested by the Board or by



any trust company or other trustee, in any investments in which joint stock insurance companies and cash-mutual insurance corporations are authorized to invest under *The Corporations Act, 1953*; provided <sup>1953, c. 19</sup> that the Board may invest up to 35 per cent of the aggregate market value of its trust funds at the time of investment in common shares.

**7.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

**8.** This Act may be cited as *The St. Catharines General* <sup>Short title</sup> *Hospital Act, 1962-63.*



## CHAPTER 187

**An Act respecting The Sudbury High School Board and The High School Board of the Town of Coniston**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The High School Board of the City of <sup>Preamble</sup>  
Sudbury and The High School Board of the Town of  
Coniston by their petition have prayed for special legislation  
in respect of the matters hereinafter set forth; and whereas it  
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

- 1.** The Agreement between The High School Board of the <sup>Agreement</sup>  
Town of Coniston and The High School Board of the City of <sup>validated</sup>  
Sudbury, dated the 5th day of September, 1962, set forth as  
the Schedule hereto, is declared to be legal, valid and binding  
on both Boards, and both Boards are hereby empowered to  
carry out all their respective obligations that might arise  
thereunder.
- 2.** The Agreement may be amended by mutual consent of <sup>Amendment</sup>  
both Boards only with the approval and consent of the <sup>of</sup> <sup>Agreement</sup>  
Minister of Education.
- 3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>
- 4.** This Act may be cited as *The Sudbury and Suburban* <sup>Short title</sup>  
*Secondary Schools Act, 1962-63.*

## SCHEDULE

THIS AGREEMENT made in duplicate the 5th day of September, A.D. 1962.

BETWEEN:

THE HIGH SCHOOL BOARD OF THE TOWN OF CONISTON,  
hereinafter called "The Suburban Board",

OF THE FIRST PART;

— and —

THE SUDBURY HIGH SCHOOL BOARD,  
hereinafter called the "Sudbury Board",

OF THE SECOND PART.

WHEREAS by Indenture dated the 5th day of September, 1962, the parties hereto agreed that a maximum of One Hundred (100) Secondary School students be accommodated in the City of Sudbury Secondary Schools for a period of twenty years.

AND WHEREAS the Sudbury Board is planning to erect an addition to Nickel District Collegiate & Vocational Institute in the City of Sudbury.

AND WHEREAS the Suburban Board has agreed to raise an amount by way of Debentures for the purpose of building an addition and purchasing equipment for the Nickel District Collegiate & Vocational Institute.

AND WHEREAS the Continuation School Board has agreed to close the Coniston Continuation School.

AND WHEREAS the Sudbury Board has agreed to do so upon the terms and conditions hereinafter contained.

WITNESSETH that in consideration of the premises and the terms and conditions hereinafter contained the parties hereto mutually agree as follows:

1. If the number of Secondary School students within the jurisdiction of the Suburban Board exceeds one hundred (100), it is understood and agreed that the Sudbury Board will accommodate the excess number of students provided that any increases in capital cost as agreed upon between the Sudbury Board and the Suburban Board must be borne by the Suburban Board.

2. The Continuation School Board agrees to close the existing Coniston Continuation School as of the date of this Agreement.

3. The Sudbury Board agrees to build an addition to Nickel District Collegiate & Vocational Institute and purchase equipment for the school which costs of the addition and the equipment are to be borne by the Suburban Board by raising a debenture issue of Thirty-five Thousand Dollars (\$35,000.00). The addition to the building and equipment shall become the property of the Sudbury Board.

4. It is agreed that the Suburban Board shall pay all costs of transportation for its own students.

5. The Suburban Board shall pay to the Sudbury Board the cost of tuition fees for Suburban Board pupils attending the Nickel District Collegiate & Vocational Institute and any other secondary school operated by the Sudbury Board and the cost shall be calculated in accordance with subsection 2 of section 70 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960, Chapter 362, and in addition thereto be subject to clauses (a) and (b) following:

(a)



- (a) In computing the payments made on Sudbury Board debentures the debenture charges of the Suburban School Boards who have or may enter into a similar agreement with the Sudbury Board shall be included in the costs of The Sudbury Board.
- (b) The Sudbury School Board in calculating the costs of the Suburban Board will deduct the amount paid by the Suburban Board on debentures set out in section 3 above from the calculated tuition.

6. The Sudbury Board and the Suburban Board shall discuss jointly on or before the 15th day of March in each year the allocation of Coniston Secondary School students to the Sudbury Secondary Schools operated by the Sudbury Board. Subsection 2 and subsection 3 (a) of section 68 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960, Chapter 362, shall not apply to the allocation of students to the Sudbury Secondary Schools operated by the Sudbury Board.

7. The Suburban Board and the Sudbury Board shall meet in joint session on the first Wednesday of May and October in each year to discuss the education of Coniston Secondary School Students.

8. This Agreement or amendments thereto shall remain in force until the 31st day of August, 1982, and shall expire on such date if either Board has given notice of intention to terminate in writing to the other Board on or before the 31st day of August, 1981. If no such notice of intention to terminate has been given this agreement shall continue in full force and effect from year to year thereafter provided that either Board may on or before the 31st day of August in any year subsequent to 1981 give written notice to the other Board of its intention to terminate on the 31st day of August in the year following whereupon this agreement shall expire upon the 31st day of August in such year following receipt of such notice.

9. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors.

10. That both Boards shall co-operate in taking the necessary steps to obtain a Private Bill of the Legislative Assembly of the Province of Ontario validating this agreement and allowing amendments with the approval of the Minister of Education, with all costs to be borne by the Suburban Board.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals attested to by their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE HIGH SCHOOL BOARD OF THE  
TOWN OF CONISTON:

Per: JAMES FORESTELL,  
*Secretary-Treasurer.*

Per: ROY L. SNITCH,  
*Chairman.*

THE SUDBURY HIGH SCHOOL BOARD:

Per: GRANT BOYCE,  
*Secretary-Treasurer.*

Per: F. W. SHERIDAN,  
*Chairman.*



## CHAPTER 188

**An Act respecting the Sudbury Youth Centre**

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**W**HEREAS Le Centre des Jeunes de Sudbury, Inc., <sup>Preamble</sup> herein called the Centre, by its petition has represented that it was incorporated by letters patent, dated April 25, 1957, under *The Corporations Act, 1953*; that the Centre is governed <sup>1953, c. 19</sup> by a board of directors consisting of eighteen members, being professional and business men from the District of Sudbury; that the object of the Centre is to operate and conduct a youth centre for the purpose of carrying on sports and cultural activities in all the fields of arts that may be considered as recreational, so as to produce physical fitness and leadership training; that the Centre is incorporated to operate without the purpose of gain for its members and that any profits or other accretions to the Centre shall be used for promoting its objects; and that the privilege petitioned for has been granted to similar organizations; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the City of Sudbury <sup>Tax exemption authorized</sup> may pass by-laws exempting from taxes for municipal or school purposes, or both, other than local improvement rates, the land, as defined in *The Assessment Act*, of Le Centre des Jeunes de Sudbury, Inc., provided that the land is owned <sup>R.S.O. 1960, c. 23</sup> and used or occupied and used solely by and for the purposes of the Centre, on such conditions as may be set out in the by-law.

2. This Act comes into force on the day it receives Royal <sup>Commencement</sup> Assent.

3. This Act may be cited as *The Sudbury Youth Centre Act*, <sup>Short title</sup> 1962-63.





## CHAPTER 189

## An Act respecting the City of Toronto

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Toronto, <sup>Preamble</sup>  
herein called the Corporation, by its petition has prayed  
for special legislation in respect of the matters hereinafter set  
forth and whereas it is expedient to grant the prayer of the  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Subsection 2 of section 3 of *The City of Toronto Act, 1952* <sup>1952, c. 139,  
s. 3, subs. 2,  
amended</sup>  
is amended by striking out "resident and ratepayer of Toronto"  
in the third and fourth lines and inserting in lieu thereof  
"person qualified to be elected as a member of council", so  
that the subsection shall read as follows:

- (2) The parking authority shall be a public commission <sup>Incorporation and  
members</sup>  
and a body politic and corporate and shall consist  
of three members, each of whom shall be a person  
qualified to be elected as a member of council and  
shall be appointed by the council on the nomination  
of the board of control, and no appointment shall be  
made by such council in the absence of such nomina-  
tion except on the affirmative vote of at least two-  
thirds of the members of council present and voting,  
and the members so appointed shall hold office for  
three years and until their successors are appointed.

2.—(1) The Corporation may by by-law authorize agree- <sup>Relief from  
parking  
require-  
ments</sup>  
ments with owners or occupants of buildings or structures to  
be erected or used providing for relief, to the extent set out in  
the agreements, from any provision in any other by-law of the  
Corporation requiring the provision or maintenance of parking  
facilities on land that is not part of a highway, and exempting  
such owners or occupants, to the extent specified in the agree-  
ments, from the necessity of providing or maintaining such  
facilities.

## Agreements

(2) Every agreement referred to in subsection 1 shall,

(a) be subject to the approval of the Ontario Municipal Board given either before or after the execution thereof; and

(b) provide for the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the payment is computed.

## Disposition of moneys

R.S.O. 1960,  
c. 408

R.S.O. 1960,  
c. 249

(3) All moneys paid or to be paid pursuant to an agreement referred to in subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 67 of section 377 of *The Municipal Act*.

## Auditor's report

(4) The City Auditor in his annual report shall report on the activities and position of any special account established under this section.

## Upon registration of agreement, payments to be charge on lands

R.S.O. 1960,  
c. 23

(5) Any such agreement may be registered against the land affected thereby in the proper registry or land titles office, and, when so registered, the amounts payable under such an agreement until paid shall be a lien or charge upon the lands described therein and may be collected in the same manner and with the same remedies as provided by *The Assessment Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement or upon termination of the agreement, there shall be registered in the proper registry or land titles office against such lands a certificate from the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

Qualifications for Board of Health  
R.S.O. 1960,  
c. 321

3.—(1) Notwithstanding section 13 of *The Public Health Act*, the Corporation may by by-law provide that the local board of health of the City of Toronto shall consist of the Mayor, the Medical Officer of Health, and,

(a) five persons having the qualifications required by section 34 of *The Municipal Act* for election to the council of the Corporation, at least two of whom are not members of the council; or

(b)

- (b) seven persons having such qualifications, at least three of whom are not members of the council.

(2) Except as expressly varied hereby, the provisions of <sup>Application of R.S.O. 1960, c. 321, s. 13</sup> section 13 of *The Public Health Act* relating to local boards of health shall continue to apply to the local board of health of the City of Toronto.

4. Notwithstanding section 10 of *An Act respecting the City of Toronto*, being chapter 86 of the Statutes of Ontario, 1903, the Corporation may grant, transfer or assign unto The Hydro-Electric Power Commission of Ontario any part or parts of the lands, or any interest therein, described in such section as the Garrison Commons, as may be required by the Commission for its purposes, free of the restriction set out in such section, and nothing in such section shall be deemed to prevent or affect or to have prevented or affected the consent hereinbefore given by the Corporation to the Commission by agreement dated the 8th day of August, 1938, to the erection, location and maintenance by the Commission of steel towers and power lines forming part of the transmission line from the Commission's Toronto-Leaside transformer station in the Town of Leaside to the Commission's Toronto-Strachan transformer station located at the foot of Strachan Avenue in the City of Toronto.

5. This Act comes into force on the day it receives Royal Assent.

6. This Act may be cited as *The City of Toronto Act*, Short title 1962-63.





## CHAPTER 190

## An Act respecting the Township of Toronto

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Township of Toronto <sup>Preamble</sup>  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1.—(1) On the 1st day of January, 1964,

Establish-  
ment of  
South Peel  
High School  
District

(a) the Town of Streetsville and the part of the Town-  
ship of Toronto that forms part of the Central Peel  
High School District are detached therefrom and  
added to the South Peel High School District, which  
shall include the Township of Toronto and the  
towns of Port Credit and Streetsville;

(b) (i) the part of the Township of Toronto that is <sup>Toronto  
Township  
School Area</sup>  
in the school section of the Town of Port  
Credit and Union School Section No. 19 of  
the Township of Toronto, herein referred to  
as Union School Section No. 19, is detached  
from the school section,

(ii) the part of the Township of Toronto that is  
in the school section of the Town of Streets-  
ville and Union School Section No. 18 of the  
Township of Toronto, herein referred to as  
Union School Section No. 18, is detached  
from the school section, and

(iii) the township school area established under  
*The Township of Toronto Act, 1952*, hereafter <sup>1952, c. 140</sup>  
referred to as the South Peel Township  
School Area, Township School Area of  
Toronto No. 1, Union School Section No. 18  
and Union School Section No. 19 are hereby

united and established as the Toronto Township School Area;

Board of  
Education  
of Twp.  
of Toronto

- (c) there shall be a board of education for the South Peel High School District and Toronto Township School Area to be known as "The Board of Education of the Township of Toronto", hereinafter called the Board.

Present  
boards  
dissolved

(2) On the day on which The Board of Education of the Township of Toronto holds its first meeting, The South Peel Board of Education and The Public School Board of the Township School Area of Toronto No. 1 are dissolved.

Jurisdiction  
of Board

**2.**—(1) The Board, for secondary school purposes, has jurisdiction in the Township of Toronto and the towns of Port Credit and Streetsville and, for public school purposes, subject to subsection 3 of section 3, has jurisdiction in the Township of Toronto, and the Board has all the powers and shall perform all the duties that by this or any other Act are conferred or imposed on a public or high school board or board of education.

Port Credit,  
Streetsville,  
inclusion in  
T.T.S.A.

(2) The powers and duties of the Board do not extend to the public schools of the Town of Port Credit or Streetsville unless the council of the Town of Port Credit or Streetsville passes a resolution requesting the inclusion of the Town of Port Credit or Streetsville, as the case may be, in the Toronto Township School Area, in which case the council of the Township of Toronto may pass a by-law to include the town or towns in the Toronto Township School Area.

Time for  
passing  
resolution  
and by-law

(3) A resolution under subsection 2 may be passed before the 1st day of May in any year, and, if the council of the Township of Toronto is agreeable to the inclusion, it shall pass a by-law before the 1st day of July in the same year to be effective on the 1st day of January of the following year.

Property  
vested in  
Board  
when town  
included in  
T.T.S.A.

(4) On the day either or both of the towns of Port Credit and Streetsville are included in the Toronto Township School Area, all the real and personal property that is vested in the public school board of each town included in the Toronto Township School Area, and all debts, contracts and agreements for which such board is liable become obligations of the Board.

Board,  
composition

**3.**—(1) The Board shall be composed of the following members:

1. One member shall be elected in each ward of the Township of Toronto.

2. One member shall be elected in each of the towns of Port Credit and Streetsville.

3. One member may be appointed by the Roman Catholic separate school board, as provided in section 24 of *The Secondary Schools and Boards of Education Act*. R.S.O. 1960, c. 362

(2) While either or both of the towns of Streetsville and Port Credit remain outside the Toronto Township School Area, the members of the Board elected in the town or towns remaining outside the Toronto Township School Area shall not vote or otherwise take part in any proceedings of the Board exclusively affecting the public schools. Trustees of Streetsville and Port Credit

(3) If the Toronto Township School Area is extended to include either or both of the towns of Port Credit and Streetsville, the trustees of the Board elected in the town or towns included in the Toronto Township School Area shall be trustees for both public and secondary school purposes. Idem

(4) The provisions of *The Public Schools Act* with respect to qualifications of urban school trustees and the election of such trustees by ballot apply to the election of trustees to the Board. Qualifications of elective trustees R.S.O. 1960, c. 330

(5) No person is disqualified to be nominated and elected as a member of the Board at the first election of members thereof by reason of being at that time a public school, high school or board of education trustee. Trustees eligible at first election

(6) The provisions of *The Secondary Schools and Boards of Education Act* with respect to qualifications of trustees apply to the appointed member of the Board. Qualifications of appointed member

(7) At the time of holding the municipal elections for the year 1964 and thereafter, the elective members shall be elected in the manner provided in *The Secondary Schools and Boards of Education Act*. Manner of election

(8) The clerk of the Township of Toronto shall call, and, until a chairman is elected, shall preside at, the first meeting of the Board, which shall be held on a day not later than the 4th day of January, 1964, to be fixed by such clerk. Clerk to preside at first meeting

4. On the 1st day of January, 1964,

(a) all real property vested for secondary school purposes in The Central Peel District High School Board that is within the Town of Streetsville or within the

Real property vested in Board



Township of Toronto and all real property vested for secondary school purposes in The South Peel Board of Education become vested in the Board;

- (b) all real property in the Township of Toronto that is vested for public school purposes in The South Peel Board of Education or in The Public School Board of the Township School Area of Toronto No. 1 becomes vested in the Board.

Liability  
for  
debenture  
payments re  
secondary  
schools

5.—(1) Debenture payments outstanding on the 31st day of December, 1963, with respect to real properties located in the Township of Toronto, the Town of Port Credit and the Town of Streetsville, which are vested for secondary school purposes in The Central Peel High School District Board or The South Peel Board of Education, shall, on the 1st day of January, 1964, become the liability of The Board of Education of the Township of Toronto.

Contracts

(2) Contracts for transportation of pupils to schools on such property and agreements with teachers employed in those schools and the other personnel employed by The South Peel Board of Education on the 31st day of December, 1963, shall, on the 1st day of January, 1964, become obligations of The Board of Education of the Township of Toronto.

Liability  
for  
debenture  
payments  
re public  
schools

6.—(1) Debenture payments outstanding on the 31st day of December, 1963, with respect to real properties located in the Township of Toronto, which are vested for public school purposes in The South Peel Board of Education, The Public School Board of the Township School Area of Toronto No. 1, The Public School Board of the Town of Port Credit and Union School Section No. 19 of the Township of Toronto or The Public School Board of the Town of Streetsville and Union School Section No. 18 of the Township of Toronto, shall, on the 1st day of January, 1964, become the liability of The Board of Education of the Township of Toronto.

Contracts

(2) Contracts for transportation of pupils to schools on such property and agreements with teachers employed in those schools and other personnel employed by The South Peel Board of Education or The Public School Board of the Township School Area of Toronto No. 1 on the 31st day of December, 1963, shall, on the 1st day of January, 1964, become obligations of The Board of Education of the Township of Toronto.

Boards of  
arbitration,  
established

7.—(1) Boards of arbitration shall be established, which boards shall determine,

(a)



- (a) all rights and claims among the public and secondary school boards affected by this Act, including settlement of rights and obligations of such school boards with respect to contracts, personal property, debts, assets and liabilities existing on the 31st day of December, 1963;
- (b) with respect to secondary schools, the cost of education and distribution of secondary school students resident in that part of the Township of Toronto formerly in the Central Peel High School District among schools located in the Toronto Township High School District and the Central Peel High School District during the period between the 31st day of December, 1963, and the 1st day of July, 1967, with a view to making the best use of existing accommodation with as little disruption as possible to students in grades 11, 12 and 13.

(2) The board of arbitration,

composition

(a) with respect to public schools, shall be composed of,

- (i) the judge of the County Court of the County of Peel or some person named by him,
- (ii) the public school inspector of the Inspectorate of Peel No. 2 or, if there is no such inspector, an inspector appointed by the Minister of Education,
- (iii) one person appointed by each of the councils of the towns of Streetsville and Port Credit and the Township of Toronto;

(b) with respect to secondary schools, shall be composed of,

- (i) the judge of the County Court of the County of Peel or some person named by him,
- (ii) one person who is not a school trustee appointed by the Board established by this Act,
- (iii) one person who is not a school trustee appointed by The Central Peel District High School Board.

**8.** The public school tax rate in the Township of Toronto shall be determined in each of the years 1964 to 1973, inclusive, in the following manner:

Tax rate

1. For the purposes of this section, the Township of Toronto in each of the years 1964 to 1973, inclusive, shall determine the local assessment for public school purposes within the boundaries as each existed on the 31st day of December, 1963, for the Township School Area of South Peel, the Township School Area No. 1 of Toronto Township, Union School Section No. 18 and Union School Section No. 19, hereafter referred to as the four school sections.
2. The local assessment as of the 1st day of January of the current year in each of the four school sections shall be multiplied by the percentage for that section for that year in Table 1.
3. The requisition for the Board for public school purposes shall be multiplied by 1000 and divided by the sum of the four products determined in paragraph 2.
4. The rate for the South Peel portion shall be the rate determined in paragraph 3.
5. The rate for the remaining three school sections shall be determined by multiplying the rate determined in paragraph 4 by the percentage for that section for that year in Table 1.
6. All rates shall be rounded to the nearest tenth of a mill.

TABLE 1

				South Peel	T.S.A. 1	U.S.S. 18	U.S.S. 19
				%	%	%	%
1964 rate as	%	of 1964	South Peel rate	100	40.0	94.0	54.0
1965 " " "	"	" 1965	" " "	100	46.7	94.7	59.2
1966 " " "	"	" 1966	" " "	100	53.4	95.4	64.3
1967 " " "	"	" 1967	" " "	100	60.1	96.1	69.4
1968 " " "	"	" 1968	" " "	100	66.8	96.8	74.5
1969 " " "	"	" 1969	" " "	100	73.5	97.5	79.6
1970 " " "	"	" 1970	" " "	100	80.2	98.2	84.7
1971 " " "	"	" 1971	" " "	100	86.8	98.8	89.8
1972 " " "	"	" 1972	" " "	100	93.4	99.4	94.9
1973 " " "	"	" 1973	" " "	100	100.0	100.0	100.0

Application  
of school  
Acts  
R.S.O. 1960,  
cc. 362,  
330, 361

9. The provisions of *The Secondary Schools and Boards of Education Act*, *The Public Schools Act* and *The Schools Administration Act* that are not inconsistent with this Act apply to the Board in the same manner and to the same extent as if the Board had been established pursuant to *The Secondary Schools and Boards of Education Act*.

**10.** Notwithstanding subsection 12 of section 70. of *The Power Commission Act*, the council of The Corporation of the Township of Toronto, with the approval of The Hydro-Electric Power Commission of Ontario, shall enlarge the area established under that section to include the whole of the Township of Toronto and, without the assent of the electors, may enter into a contract with the Commission for the supply of power for the use of the municipality and its inhabitants in the area so enlarged.

**11.** *The Township of Toronto Act, 1952* is repealed on the 1st day of January, 1964.

**12.** This Act comes into force on the day it receives Royal Assent.

**13.** This Act may be cited as *The Township of Toronto Act, 1962-63*.





## CHAPTER 191

## An Act respecting the Township of Toronto

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Township of Toronto <sup>Preamble</sup>  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.**—(1) Where lands are held and used as farm lands only <sup>By-laws for</sup>  
and in blocks of not less than five acres and are subject to <sup>postpone-</sup>  
a special rate per foot frontage for waterworks constructed <sup>ment of</sup>  
under *The Local Improvement Act* prior to the 1st day of <sup>special rate</sup>  
January, 1963, for which a special assessment was made or <sup>for water-</sup>  
provided for, the council of The Corporation of the Township <sup>works re</sup>  
of Toronto may pass by-laws postponing the payment of all <sup>farm lands</sup>  
or any part of such special rate per foot frontage in excess of <sup>R.S.O. 1960,</sup>  
100 feet until such time as the land ceases to be used exclusively <sup>c. 223</sup>  
as farm land.

(2) When the land in the opinion of the council of the <sup>When land</sup>  
Township of Toronto ceases to be used exclusively as farm <sup>ceases to</sup>  
land, the amount of any special rate that has been postponed <sup>be used as</sup>  
shall become due and payable forthwith upon demand by The <sup>farm land</sup>  
Corporation of the Township of Toronto.

**2.** The treasurer of The Corporation of the Township of <sup>Records to</sup>  
Toronto shall keep a record of the local improvement rates in <sup>be kept by</sup>  
respect of waterworks assessed against lands in respect of <sup>treasurer</sup>  
which a by-law has been enacted postponing all or any part  
of a special rate per foot frontage in excess of 100 feet and the  
amount of such rates that is paid in each year.

**3.** Every by-law postponing the payment of all or any <sup>Registration</sup>  
part of such special rate per foot frontage in excess of 100 feet <sup>of by-laws</sup>  
shall be registered against the land affected in the registry  
office for the Registry Division of the County of Peel.

Registration  
of certifi-  
cates of  
payment

4. Where a by-law postponing the payment of all or any part of a special rate per foot frontage for waterworks in excess of 100 feet has been registered under section 3 and the whole of such special rate per foot frontage has been paid to the Corporation in respect of a particular parcel of land affected by the by-law, the Corporation shall register a certificate of such payment against such land in the registry office for the Registry Division of the County of Peel.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Township of Toronto Act, 1962-63 (No. 2)*.

## CHAPTER 192

### An Act to incorporate Trent University

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS Trent College Limited by its petition has <sup>Preamble</sup> represented that it was incorporated under *The Corporations Act, 1953*, c. 19 by letters patent bearing date the 9th day of August, 1960; and whereas the petitioner has prayed for special legislation changing its name to "Trent University" and providing for modification of its organization, government and administration and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act,

<sup>Interpre-</sup>  
tation

- (a) "Board" means the Board of Governors of the University;
- (b) "Chancellor" means the Chancellor of the University;
- (c) "President and Vice-Chancellor" means the President and Vice-Chancellor of the University;
- (d) "property" includes all property of any kind or nature, both real and personal;
- (e) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (f) "Senate" means the Senate of the University;
- (g) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in

the

the work of teaching or giving instruction or in research;

(h) "University" means Trent University.

Trent  
University  
established

**2.—**(1) The persons named in section 6 and such other persons who may hereafter become members of the Board are hereby created a body corporate with perpetual succession and a common seal under the name of "Trent University".

Property  
vested in  
University

(2) The property of Trent College Limited is hereby vested in Trent University, and the liabilities of Trent College Limited, together with the benefits and burdens of all contracts and covenants of Trent College Limited, are hereby assumed by Trent University.

Dissolution  
of Trent  
College  
Limited

(3) Trent College Limited is dissolved on the day this Act comes into force.

Objects and  
purposes of  
University

**3.** The objects and purposes of the University are,

(a) the advancement of learning and the dissemination of knowledge; and

(b) the intellectual, social, moral and physical development of its members and the betterment of society.

Faculties  
and schools

**4.** The University has power to establish and maintain such faculties, schools, institutes, departments, chairs and courses as the Senate deems necessary and as shall be approved with respect to finances and facilities by the Board.

Degrees

**5.** The University has power and authority to grant any and all university degrees and honorary degrees and diplomas in all branches of learning.

Provisional  
board

**6.** The Board of Governors, until reconstituted in accordance with section 7, shall consist of the following persons:

Charles Kenneth Fraser, B.Sc., P.Eng.  
W. Donaldson Whyte, M.D., F.R.C.S. (Edin.)  
Rev. John Francis Coughlan, B.A.  
Norman Joseph Crook, B.A., D.F.C.  
Thomas Henry Bull Symons, B.A., M.A. (Oxon.)  
Walter George Ward, B.Eng., P.Eng.

Composition  
of Board

**7.** Within twelve months after the coming into force of this Act, the Board shall be reconstituted to consist of,

(a) the Chancellor *ex officio*;

(b)



(b) the President and Vice-Chancellor *ex officio*;

(c) such number of members, not exceeding twenty-four, as may be prescribed by the by-laws of the Board, elected or appointed for a term of up to four years in the manner prescribed by the by-laws of the Board.

8. The Board shall elect a chairman from among its <sup>Chairman of Board</sup> members.

9. After thirty days notice to any member of the Board, <sup>Declaration of vacancy</sup> the Board may, by resolution passed by at least two-thirds of the total members of the Board by votes cast at a meeting of the Board, declare vacant the seat of such member.

10. Except as to such matters specifically assigned by this <sup>Power of Board</sup> Act to the Senate or the councils of the faculties, as hereinafter referred to, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, but without limiting the generality of the foregoing, power,

(a) to appoint and remove the President and Vice-Chancellor;

(b) to appoint, promote and remove the deans of all the faculties, the senior administrative officers of the University, including, but without limiting the generality of the foregoing, the Registrar of the University, the Librarian of the University, the Bursar of the University and the Secretary of the Board, the teaching staff of the University and all such other officers, clerks, employees, agents and servants as the Board deems necessary or expedient for the purposes of the University, but no person shall be appointed a dean of any faculty, a senior administrative officer or a member of the teaching staff of the University or any of the faculties or schools thereof unless he has been first nominated by the President and Vice-Chancellor, and no dean of a faculty, senior administrative officer or member of the teaching staff shall be promoted or removed from office except on the recommendation of the President and Vice-Chancellor, but this provision does not apply where there is a vacancy in the office of President and Vice-Chancellor;

(c)

- (c) to fix the number, duties and salaries and other emoluments of the officers, clerks, employees, agents and servants of the University;
- (d) to appoint an executive committee and such other committees as it deems desirable, and to delegate to any such committee any of the powers of the Board;
- (e) to make by-laws and regulations for the conduct of its affairs, including the fixing of a quorum, the election or appointment of its members and the filling of vacancies.

## Senate

**11.** There shall be a Senate of the University composed of,

- (a) the Chancellor *ex officio*;
- (b) the President and Vice-Chancellor *ex officio*;
- (c) the deans of all faculties *ex officio*; and
- (d) such other persons elected or appointed in such manner as the Senate determines.

Powers  
of Senate

**12.** The Senate is responsible for the educational policy of the University, and, with the approval of the Board in so far as the expenditure of funds and the establishment of faculties are concerned, may create such faculties, departments, schools or institutes or establish chairs as the Senate may determine, may enact by-laws and regulations for the conduct of its affairs and, without limiting the generality of the foregoing, has power,

- (a) to elect the Chancellor;
- (b) to control, regulate and determine the educational policy of the University;
- (c) to determine the courses of study and standards of admission to the University and continued membership therein, and qualifications for degrees and diplomas;
- (d) to conduct examinations and appoint examiners;
- (e) to deal with all matters arising in connection with the award of fellowships, scholarships, bursaries, medals, prizes and other awards;
- (f) to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a university.

**13.** The chairman of the Senate shall be the President and Vice-Chancellor. Chairman of Senate

**14.** There shall be a council to be known as the Council of the Faculty of Arts and Science, which shall consist of, Council of the Faculty of Arts and Science

- (a) the President and Vice-Chancellor *ex officio*;
- (b) the Dean of the Faculty of Arts and Science;
- (c) such teaching staff in the Faculty of Arts and Science of the University and such other officers as shall be defined in the by-laws of the Council of the Faculty of Arts and Science.

**15.** The chairman of the Council of the Faculty of Arts and Science shall be the President and Vice-Chancellor or his nominee. Chairman of the Council

**16.** The powers and duties of the Council of the Faculty of Arts and Science are, Powers and duties of Council

- (a) to make rules and regulations for governing its procedures, including the fixing of a quorum;
- (b) subject to the provisions of this Act and to the approval of the Board, to make rules and regulations for the government, direction and management of the Faculty of Arts and Science and the affairs and business thereof;
- (c) subject to the approval of the Senate, to fix and determine the courses of study in the Faculty of Arts and Science;
- (d) subject to the approval and confirmation of the Senate, to appoint examiners for and to conduct the examinations of the courses in the Faculty of Arts and Science and to determine the results of such examinations;
- (e) subject to an appeal to the Senate, to deal with and decide on all applications and memorials by students and others in connection with the Faculty of Arts and Science;
- (f) to consider and report to the Senate upon such matters affecting the Faculty of Arts and Science as the Council thereof may deem necessary.

Faculty  
councils

**17.** There shall be a council for each of the other faculties and schools of the University, now or hereafter established, to consist of the dean or director thereof and such of the teaching staff thereof as defined in the by-laws and regulations of such councils, and each such council has the same powers and duties, *mutatis mutandis*, with respect to its faculty or school as the Council of the Faculty of Arts and Science has with respect to the Faculty of Arts and Science.

President  
and Vice-  
Chancellor

**18.**—(1) There shall be a President and Vice-Chancellor of the University who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.

Vice-  
President

(2) The Board may appoint, on the recommendation of the President and Vice-Chancellor, a Vice-President who shall act in the absence of the President and who shall have such other powers and duties as may be conferred upon him by the Board on the recommendation of the President.

Powers and  
duties of  
President

(3) The President is Vice-Chancellor and chief executive officer of the University who,

- (a) in the absence of or vacancy in the office of Chancellor, shall perform the functions of the Chancellor;
- (b) shall be the chairman of the Senate;
- (c) shall supervise and direct the implementation of the educational policy and general administration of the University, the teaching staff thereof and the students thereof;
- (d) shall have sole authority to recommend academic and senior administrative appointments, promotions and terminations of appointment; and
- (e) shall have such other powers and duties as from time to time may be assigned to him by the Board.

## Chancellor

**19.** The Senate shall elect a Chancellor, who shall be the titular head of the University, who shall confer all degrees and diplomas and who shall, subject to the will of the Senate, hold office for three years or until his successor is elected.

Religious  
tests not  
required

**20.** No religious test shall be required of any member of the teaching staff, officer or servant or agent or of any member of the University, nor shall any religious observance be imposed upon them by the University.



**21.** The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and sell, grant, convey, pledge, mortgage, hypothecate, lease or otherwise dispose of or encumber such estate or property or any part thereof from time to time and, as occasion requires, to acquire any estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Property  
R.S.O. 1960,  
c. 191

**22.** All property heretofore or hereafter granted, conveyed, devised or bequeathed to Trent College Limited or in trust for the benefit of Trent College Limited is vested in the University, subject to any trust or trusts affecting the property.

Vesting of  
property

**23.** The property vested in the University and any lands and premises leased to and occupied by the University shall not be liable to taxation or other imposition for provincial, municipal or school purposes, and shall be exempt from every description of taxation or other imposition so long as the same are actually used and occupied for the purposes of the University.

Tax  
exemption

**24.** Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, and no power to expropriate real property hereafter conferred shall extend to such property unless the Act conferring such power applies expressly thereto.

Property of  
University  
not liable  
to be  
expropriated

**25.** The University has university powers, including the power, without the consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof and all persons having an interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation apply *mutatis mutandis* to the University and to the exercise by it of the powers conferred by this Act, and, where any act is by any of such provisions required to be done by the clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the secretary of the Board.

Powers of  
expropriation

R.S.O. 1960,  
c. 249

**26.** All property vested in the University, as far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

Application  
of statute of  
limitations

Application  
of property,  
etc.

**27.** The property and the income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University.

Investment  
of funds

**28.** The funds of the University not immediately required for its purposes and the proceeds of all property that come into the hands of the Board, subject to any trust or trusts affecting them, may be invested and re-invested from time to time in such investments as the Board in its absolute discretion deems meet.

Borrowing  
power

**29.** The University, if authorized by by-laws of the Board, may,

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any money so borrowed or the fulfillment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations.

Power of  
affiliations

**30.** The University has the power and capacity to affiliate with, or take into affiliation or federate with, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine.

Audit

**31.** The accounts of the University shall be audited at least once a year by an auditor appointed by the Board.

Annual  
report

**32.** The University shall submit to the Lieutenant Governor in Council, upon request, the annual report of the University and such other reports as may be required from time to time.

Commence-  
ment

**33.** This Act comes into force on the day it receives Royal Assent.

Short title

**34.** This Act may be cited as *The Trent University Act, 1962-63*.

## CHAPTER 193

# An Act respecting The University of Waterloo

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The University of Waterloo by its petition <sup>Preamble</sup> has represented that certain amendments to its charter respecting the constitution of the Senate and the powers of the Board of Governors have been found to be necessary; and whereas the petitioner has prayed for special legislation making the necessary amendments and additions to its powers as set out in *The University of Waterloo Act, 1959*; and whereas <sup>1959, c. 140</sup> it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The University of Waterloo Act, 1959* is <sup>1959, c. 140,  
s. 4,  
re-enacted</sup> repealed and the following substituted therefor:

4. The management and control of the University shall <sup>University  
non-denomi-  
national</sup> be non-denominational, and no religious test shall be required of any professor, lecturer, teacher, officer, employee or servant, or of any student, of the University.

2.—(1) Clause *a* of subsection 1 of section 22 of *The* <sup>1959, c. 140,  
s. 22, subs. 1,  
amended</sup> *University of Waterloo Act, 1959* is amended by striking out "Vice-President" in the first and second lines and inserting in lieu thereof "Vice-Presidents", so that the clause shall read as follows:

- (a) to appoint and remove the President and Vice-Presidents, the heads and associate heads of the faculties and colleges other than federated or affiliated colleges of the University, the professors and other members of the teaching staff of the University, and to appoint and remove all other officers, agents and servants of the University.

1959, c. 140,  
s. 22, subs. 2,  
re-enacted

(2) Subsection 2 of the said section 22 is repealed and the following substituted therefor:

Approval re  
federation or  
affiliation

- (2) The acceptance of any federated or affiliated college by the University is subject to the approval of the boards of governors or trustees of the institutions then federated or affiliated with the University, and of the Senate, but such consent shall not be unreasonably withheld.

1959, c. 140,  
amended

3. *The University of Waterloo Act, 1959* is amended by adding thereto the following section:

Responsi-  
bility for  
conduct  
of students

- 22a.—(1) The Board and the governing bodies of the federated and affiliated colleges shall, respectively, have disciplinary jurisdiction over, and entire responsibility for, the regulation of the conduct of their students in respect of all matters arising or occurring in or upon their respective buildings and grounds.

Delegation  
of  
authority

- (2) In all other cases, with respect to all students of the University and the federated and affiliated colleges, disciplinary jurisdiction shall be vested in the Board, and the Board, by action properly taken and recorded in its minutes or by-laws, may delegate to any governing body, officer or servant of the University or of any federated and affiliated college, as may be specified, its authority in any particular case.

Determina-  
tion of  
disputes

- (3) The Board shall determine the proper body to exercise jurisdiction in any matter of discipline that may arise wherein there is a question as to the proper body under which it should come, and the Board's decision in such matters is final.

Power to  
suspend,  
etc.

- (4) Disciplinary jurisdiction includes the power to suspend, expel, impose fines and recommend to the Senate the withholding of degrees, diplomas, certificates or academic standing.

1959, c. 140,  
s. 28,  
re-enacted

4. Section 28 of *The University of Waterloo Act, 1959* is repealed and the following substituted therefor:

Senate

- 28.—(1) There shall be a Senate of the University composed as follows:

(a) The following shall be *ex officio* members:

(i) the Chancellor,

(ii)



- (ii) the Vice-Chancellor,
  - (iii) the Academic Vice-President of the University,
  - (iv) the principal or head of each federated or affiliated college,
  - (v) the dean of each faculty or school of the University,
  - (vi) the academic dean of each federated college,
  - (vii) the Librarian,
  - (viii) the Chairman of the Board,
  - (ix) the Registrar,
  - (x) the Director of the University Extension Department.
- (b) The faculties and schools of the University shall have the following representation, and the representatives shall be appointed by and from among the members of their respective faculty councils unless otherwise provided by the Senate:
- (i) the Faculty of Arts, four members,
  - (ii) the Faculty of Engineering, four members,
  - (iii) the Faculty of Science, four members,
  - (iv) the Faculty of Graduate Studies, three members,
  - (v) any other faculty or school that may hereafter be established within the University, which offers courses leading to a degree, two members.
- (c) The faculties of the federated and affiliated colleges shall have the following representation, and the representatives shall be appointed by and from among the members of their respective faculties unless otherwise provided by the Senate:

- (i) the faculty of each federated college, three members,
  - (ii) the faculty of each affiliated college, one member for every five full-time faculty members, or for any major portion thereof, up to a maximum of three members.
- (d) Six representatives of the secondary schools in Ontario to be elected in the manner determined by the Senate, two of whom shall represent the schools in the County of Waterloo.
- (e) The alumni of,
- (i) the University, one member for each graduating class, up to a total of six,
  - (ii) each federated college, three members,
  - (iii) each affiliated college, two members.

## Officers

- (2) The Vice-Chancellor of the University shall be the chairman of the Senate, and the Academic Vice-President of the University shall be the vice-chairman of the Senate.

1959, c. 140,  
s. 29, subs. 1,  
amended

5. Subsection 1 of section 29 of *The University of Waterloo Act, 1959* is amended by inserting after "Senate" in the first line "other than *ex officio* members", so that the subsection shall read as follows:

## Term of office

- (1) The members of the Senate, other than *ex officio* members, shall hold office for a term of three years and shall be eligible for re-appointment or re-election, as the case may be.

1959, c. 140,  
s. 37, subs. 1,  
cl. c,  
amended

6. Clause *c* of subsection 1 of section 37 of *The University of Waterloo Act, 1959* is amended by adding at the commencement thereof "consider and", so that the clause, exclusive of the subclauses, shall read as follows:

- (c) consider and recommend to the Board,
- . . . . .

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

## Short title

8. This Act may be cited as *The University of Waterloo Act, 1962-63*.

## CHAPTER 194

**An Act to incorporate  
the University of Windsor**

*Assented to December 19th, 1962  
Session Prorogued April 26th, 1963*

**W**HEREAS Assumption University of Windsor, Essex Preamble  
College and the Board of Regents of Assumption  
University of Windsor by their petition have represented  
that they are desirous of establishing in the City of Windsor,  
in the Province of Ontario, a non-denominational institution  
to provide facilities for instruction in all branches of higher  
learning having the rights and powers of a university; and  
whereas the petitioners have prayed for special legislation  
to effect such purpose; and whereas it is expedient to grant  
the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1. In this Act,****Interpre-  
tation**

- (a) "affiliated college" means a college affiliated with  
the University either directly or through a federated  
college;
- (b) "Alumni Association" means such organization com-  
prised of former students of Assumption College and  
Assumption University of Windsor and the University  
as is from time to time recognized as such by the  
University;
- (c) "Board" means the Board of Governors of the  
University;
- (d) "Chancellor" means the Chancellor of the University;
- (e) "Corporation" means the body corporate of the  
University;
- (f) "federated college" means a college or university  
federated with the University;

(g)

- (g) "graduates" means graduates of the University and includes persons who have been awarded degrees under the Charter of Assumption College or of Assumption University of Windsor, and persons who, having completed courses of instruction at Assumption College, have been awarded degrees by the University of Western Ontario upon the recommendation of the Faculty of Assumption College;
- (h) "President" means the President of the University;
- (i) "property" includes all property, both real and personal;
- (j) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (k) "Senate" means the Senate of the University;
- (l) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;
- (m) "University" means the University of Windsor;
- (n) "Vice-Chancellor" means the Vice-Chancellor of the University.

University  
of Windsor  
incor-  
porated

**2.** The present members of the Board of Governors of Assumption University of Windsor, the Board of Directors of Essex College and the Board of Regents of Assumption University of Windsor, namely:

James H. Barth; Charles T. Carson; William J. Carter; William Conklin; Rev. Cornelius P. Crowley; Joseph R. Deane; G. Arthur Dew; Samuel E. Dinsmore; Anthony F. Fuerth; Harry E. Gignac; Eli C. Goldin; William T. Grant; Gordon Gray; William A. Harrison; Jerome R. Hartford; H. Clifford Hatch; Carleton Healy; Frank J. Hogan; Gilbert R. Horne; George O. Keutgen; Eric B. Lavelle; Rev. E. Carlisle LeBel; Raymond J. Lyons; Rev. Edmund J. McCorkell; Leon Z. McPherson; Helen M. McTague; Rev. Hugh V. Mallon; John E. Marshall; William D. Merlo; Dr. G. Malcolm Morton; Max N. Mousseau; Rev. Daniel J. Mulvihill; Benjamin Ormseth; John M. Page; Jacob Rash; Rev. E. Arthur

Roberts;



Roberts; Philip A. Rudge; Rev. Norbert J. Ruth; Leo J. Ryan; Rhys M. Sale; Frank T. Sherk; S. J. Stodgell; John J. Stuart; Ronald W. Todgham; Dr. Anthony T. Wachna; Dr. William R. Waddell; Richard T. Waddington; James E. Watson; George R. Weller; Very Rev. Joseph C. Wey, and John W. Whiteside,

and such other persons who are or may hereafter be appointed President or elected or appointed members of the Board, are hereby created a body corporate with perpetual succession and a common seal under the name University of Windsor.

**3.** The objects and purposes of the University are, Objects and purposes

- (a) the advancement of learning and the dissemination of knowledge; and
- (b) the intellectual, spiritual, moral, social and physical development of its members and students and the betterment of society.

**4.** The University has university powers, including the Powers  
power,

- (a) to establish and maintain faculties, schools, institutes, departments, chairs and courses of instruction;
- (b) to confer academic degrees and honorary degrees, awards and diplomas in any and all branches of learning;
- (c) to permit federation or affiliation of other colleges or universities with the University and to make agreements for federation or affiliation with other colleges or universities.

**5.** The management and control of the University shall be vested in a non-denominational board of governors, and no religious test shall be required of any professor, lecturer, teacher, officer, employee, servant or student of the University, but such management and control shall be based upon Christian principles. Board non-denominational

**6.** The corporation of Essex College shall be and become merged with the University on the 1st day of July, 1963, on which date all property of Essex College shall be vested in the University, and, subject to the provisions of this Act, the University shall have, hold, possess and enjoy all property, rights, powers, privileges, purposes and objects that Essex College had, held, possessed or enjoyed, and shall be liable for and subject to all debts and other obligations that Essex College was liable for or subject to immediately before such date. Essex College merged with University

Present  
faculties,  
courses, etc.

**7.** The faculties, schools, institutes, departments, chairs and courses of instruction presently established and maintained by Assumption University of Windsor and by Essex College shall, on the 1st day of July, 1963, be undertaken by the University and be continued under the authority of the Board and Senate.

Trust  
property  
vested in  
University

**8.** All property hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the University.

Property

R.S.O. 1960,  
c. 191

**9.** The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever, and to sell, grant, convey, mortgage, lease or otherwise dispose of such estate or property or any part thereof from time to time and as occasion may require, and to acquire other estate or property, in addition thereto or in place thereof, without licence in mortmain and without limitation as to the period of holding.

Tax  
exemption

**10.** Property vested in the University or in any federated or affiliated college or property vested in both the University and one or more federated or affiliated colleges, and any property leased to and occupied by the University or federated or affiliated colleges or leased to and occupied by the University and one or more federated or affiliated colleges, are not liable for taxation for provincial, municipal or school purposes and are exempt from every description of such taxation so long as the same are actually used and occupied for the purposes of the University or of a federated or affiliated college.

Property  
not liable to  
expropria-  
tion

**11.** Property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any other person possessing the right to take land compulsorily for any purpose, and no power to expropriate real property hereafter conferred on any corporation, or upon any other person, shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Expropria-  
tion

**12.—(1)** The University has power without the consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and appropriate all such real property as it deems necessary for the purposes of the University or its federated and affiliated colleges, making due compensation for any such real property

to the owners and occupiers thereof and all persons having an interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation apply *mutatis mutandis* to the University and to the exercise by it of the powers conferred by this Act, and, where any act is by any of such provisions required to be done by the clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the Treasurer of the University or by or at the office of such officer as may be appointed by the Board exercising the office of Treasurer.

R.S.O. 1960,  
c. 249

(2) Subsection 1 does not apply with respect to land in the City of Windsor now owned by the Basilian Fathers of Sandwich in Ontario or by the Roman Catholic Episcopal Corporation of the Diocese of London.

Application  
to certain  
lands

**13.** All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application  
of statutes  
of limitations

**14.** The property, and the income, revenue, issues and profits of all property, of the University shall be applied solely to achieving the objects and purposes of the University.

Application  
of property  
to objects

**15.** The funds of the University not immediately required for its purposes, and the proceeds of all property that comes to the hands of the Board, subject to any trust or trusts affecting such moneys, may be invested and re-invested in such investments as the Board deems meet.

Investment  
of funds

**16.** The University, if authorized by by-law of the Board, may,

Borrowing  
powers

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage any part or all of its property to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may

decide,

decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations; provided that no expenditure shall be made or liability incurred that has the effect of involving or impairing any endowments of the University.

Members  
and officers  
not in-  
dividually  
liable for  
debts

17. Nothing herein contained has the effect of, or shall be construed to have the effect of, rendering all or any of the members or officers of the University, or any person whomsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the University or for or on account of or in respect of the University or for or on account of or in respect of any matter or thing whatsoever relating to the University.

Composition  
of the  
Board

18. The Board shall be constituted as follows:

1. The President of the University *ex-officio*;
2. The following fourteen persons:

Eli C. Goldin, Executive  
H. Clifford Hatch, Executive  
Frank T. Sherk, Executive  
John J. Stuart, Executive  
Ronald W. Todgham, Executive  
Richard T. Waddington, Professional Engineer  
William R. Waddell, Physician  
George R. Weller, Merchant  
John W. Whiteside, Barrister-at-law  
Anthony F. Fuerth, Retired Gentleman  
William T. Grant, Executive  
Raymond J. Lyons, Executive  
G. Malcolm Morton, Surgeon  
John M. Page, Executive

3. The following six persons appointed to the Board by the Board of Governors of Assumption University of Windsor:

The Rev. Cornelius P. Crowley, C.S.B.  
The Rev. E. Carlisle LeBel, C.S.B.  
The Rev. Hugh V. Mallon, C.S.B.  
The Rev. Daniel J. Mulvihill, C.S.B.  
The Rev. E. Arthur Roberts, C.S.B.  
The Rev. Norbert J. Ruth, C.S.B.

4. The following two persons appointed by the Alumni Association from among its own number:

Joseph R. Deane, Executive  
James A. Holden, Barrister-at-law



5. The following four persons appointed by the Lieutenant Governor in Council:

Alphonse Gignac, Executive  
 Richard A. Graybiel, Executive  
 Jerome R. Hartford, Union Representative  
 Clare R. MacLeod, Educationist

6. Such other persons appointed by the Board and for such terms as the Board may by by-law determine, provided that the total number of the members of the Board does not exceed thirty.

**19.**—(1) All elected or appointed members of the Board are eligible for re-election or re-appointment.

Members eligible for re-election or re-appointment

(2) Notwithstanding any vacancies on the Board, as long as there are at least twenty members on the Board, it may exercise its powers.

Necessary membership

(3) The Board shall by by-law determine a quorum.

Quorum

(4) The Board shall elect from its members a chairman and a vice-chairman.

Chairman

(5) After thirty days notice to any member, the Board, by a resolution passed at a meeting at which at least two-thirds of the members of the Board are present, may declare vacant the seat of such member.

Vacancies

(6) The Board may fill any vacancy on the Board, except with respect to those members appointed by the Lieutenant Governor in Council, for the unexpired balance of the term.

Filling of vacancies

(7) The members of the Board of Directors of Essex College shall cease to hold office on the 1st day of July, 1963.

Present members of Essex College

(8) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the University.

Records

**20.** The members of the Board shall hold office as follows:

Terms of office

1. Of the members mentioned in paragraph 2 of section 18, the first four members shall hold office for a period of one year, the next five members shall hold office for a period of two years, and the remaining five members shall hold office for a period of three years, and, as the term of any such member expires, the vacancy shall be filled by election by the Board, and such election shall be for a period of three years, and so on from time to time.

2. Of the members mentioned in paragraph 3 of section 18, two members shall hold office for a period of one year, two members shall hold office for a period of two years and two members shall hold office for a period of three years, and, as the term of any such member expires, the vacancy shall be filled by appointment by the Board of Governors of Assumption University of Windsor, and such appointment shall be for a term of three years, and so on from time to time.
3. The two members appointed by the Alumni Association shall hold office for three years and until their successors are appointed by the Alumni Association.
4. The four members appointed by the Lieutenant Governor in Council shall hold office for three years and until their successors are appointed by the Lieutenant Governor in Council.

**Powers of  
the Board**

**21.**—(1) Except in such matters as are assigned by this Act to the Senate and the boards of federated and affiliated colleges, the government, conduct, management and control of the University and of its property, revenues, business and affairs are vested in the Board, and the Board has all the powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

- (a) to make by-laws, rules and regulations in respect of all such matters as may seem necessary or advisable for the government, management, conduct and control of the University, and to repeal or vary such by-laws, rules and regulations;
- (b) to appoint and remove the Chancellor, the President and the Executive Vice-President, if any;
- (c) to appoint and remove, on the recommendation of the President, the following persons, namely, the Academic Vice-President, if any, the deans and associate deans of the faculties of the University, the directors of schools within the University, the heads of academic departments and divisions, the professors and other members of the academic staff; provided that all such appointments made by the Board shall be made in accordance with the rules and regulations, with respect to qualifications for appointment, as may from time to time be adopted by the Senate, and the President shall, before making such recom-

mendations

mendations for appointment, consult with the appropriate committee of the Senate regarding such appointments;

- (d) to appoint and remove, on the recommendation of the President, all other officers, agents and servants of the University;
- (e) to determine the number, duties, salaries and other emoluments of all officers, agents and servants of the University, and to delegate such authority to the appropriate academic and administrative officers and committees;
- (f) to provide for the appointment of committees by the Board and for conferring authority upon any of such committees to act for it with respect to any matter or class or classes of matters;
- (g) to provide for the appointment and establishment of such advisory, deliberative or administrative persons, offices and bodies of the University, including a joint committee of the Senate and the Board to discuss matters of mutual concern, as shall be deemed meet by the Board, and to fix their respective memberships, powers and duties.

(2) By-laws, rules and regulations made by the Board do not require confirmation by the members of the Corporation. Confirmation of by-laws, etc.

**22.**—(1) There shall be a Chancellor of the University Chancellor who shall hold office for four years and is eligible for re-appointment.

(2) The Chancellor is the titular head of the University Titular head and shall confer all degrees.

(3) The President is Vice-Chancellor of the University and, President to be Vice-Chancellor in the absence of or vacancy in the office of the Chancellor, shall perform the functions of the Chancellor.

(4) In the absence of the Chancellor and the Vice-Chancellor, the Senate shall appoint one of its number to confer degrees. Degrees

**23.**—(1) There shall be a President of the University President who shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board.

President  
to be chief  
executive

(2) The President is the chief executive officer of the University and chairman of the Senate and has supervision over and direction of the academic work and general administration of the University and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and also has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Vice-  
presidents

**24.** There shall be one or more vice-presidents of the University who shall assist the President and who have such other powers, rights and duties as may be assigned to them by the Board.

Senate

**25.** There shall be a Senate of the University comprised as follows:

1. The President, the Executive Vice-President, if any, the Academic Vice-President, if any, the dean and associate dean of each faculty within the University, the directors of schools within the University, the academic heads of colleges affiliated or federated with the University, the executive director of student affairs, the Director of Extension, the Librarian, and the Registrar of the University, *ex officio*.
2. The heads of academic departments in the Faculty of Arts and Science and in the Faculty of Applied Science.
3. Two members from the teaching staff of every faculty of the University, such members to be elected for terms of one year by the teaching staffs of their respective faculties.
4. Two members to be appointed for terms of two years by the Alumni Association from among the graduates.
5. Such other members as the Senate may by by-law determine.

Members  
eligible for  
re-election

**26.—**(1) All elected or appointed members of the Senate are eligible for re-election or re-appointment.

Quorum

(2) Notwithstanding any vacancies on the Senate, as long as there are at least thirty members, the Senate may exercise its powers, and one-half of the members constitutes a quorum.

Chairman

(3) The President is the chairman of the Senate.



(4) The Registrar of the University is, *ex officio*, secretary <sup>Secretary</sup> of the Senate.

(5) After thirty days notice to any member, the Senate, <sup>Vacancies</sup> by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate at which not less than two-thirds of the members are present, may declare vacant the seat of such member.

(6) The Senate may fill any vacancy on the Senate for the <sup>Filling of vacancies</sup> unexpired balance of the term.

(7) Elected representatives on the Senate shall hold office <sup>Term of office of elected members</sup> until their successors are elected, provided that elected representatives of faculties and schools shall cease to be members of the Senate upon ceasing to be a member of the faculty or school that they represent.

**27. The Senate has power,**

<sup>Powers of the Senate</sup>

- (a) to make regulations regarding the academic qualifications for appointment and promotion of the members of the academic staff of the University and the federated and affiliated colleges thereof, and to establish a committee on appointment and promotion under the chairmanship of the President or his delegate to act for and in the name of the Senate in applying such regulations to individual staff members proposed for appointment or promotion within the University or its federated or affiliated colleges;
- (b) to appoint an executive committee and such other committees as it may deem advisable and to delegate to any such committee any of its powers;
- (c) to regulate the academic programs pursued in the University, and the conduct, activities and discipline of the students;
- (d) to determine standards for admission to the University, courses of study, and qualifications for degrees;
- (e) to conduct examinations and appoint examiners;
- (f) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;

(g)

- (g) to confer academic degrees and honorary degrees, certificates and diplomas in any and all branches of learning;
- (h) to determine, subject to ratification by the Board, the academic terms on which any new faculty or department may be established in the University or any college or school may become part of or be affiliated with the University;
- (i) to make by-laws and regulations for the conduct of its affairs.

Assumption  
University  
of Windsor  
federated  
college

**28.** Assumption University of Windsor shall, upon the coming into force of this Act, become a federated college of the University, subject to terms mutually agreed upon by such corporations.

Affiliation  
of existing  
colleges  
continued

**29.** Holy Redeemer College and Canterbury College shall have the right under this Act of continuing their affiliation with the University through Assumption University or of negotiating separate affiliation or federation agreements with the University, or both, as in their discretion they may deem meet.

Audit

**30.** The accounts of the University shall be audited at least once a year by an auditor appointed by the Board.

Reports to  
Lieutenant  
Governor

**31.** The University shall submit to the Lieutenant Governor in Council, upon request, the annual report of the University and such other reports as may be requested from time to time.

Commence-  
ment

**32.** This Act comes into force on the day it receives Royal Assent.

Short title

**33.** This Act may be cited as *The University of Windsor Act, 1962-63*.

## CHAPTER 195

## An Act respecting the Town of Wallaceburg

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Town of Wallaceburg <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, the council <sup>Fixed assessment authorized</sup> of The Corporation of the Town of Wallaceburg may pass a by-law, with the assent of the electors qualified to vote on money by-laws, granting a fixed assessment of \$32,000 in each of the years 1961 to 1970, inclusive, to Wally Enterprises Limited, a manufacturing corporation with its head office at the Town of Wallaceburg, of the real property described in the Schedule hereto.

2. During the term of the fixed assessment, Wally Enterprises Limited shall not be assessed for business assessment <sup>Business assessment</sup> computed with respect to the real property described in the Schedule hereto.

3. A by-law passed under section 1 does not apply to or <sup>Local improvements</sup> affect taxation for local improvements.

4. The fixed assessment granted under this Act shall be <sup>Fixed assessment for municipal and school purposes</sup> used to calculate the amount of taxes to be paid in the years 1961 to 1970, inclusive, by Wally Enterprises Limited in respect of the real property described in the Schedule hereto for municipal and school purposes.

5. The assessment granted by a by-law passed under <sup>Not deemed bonus</sup> section 1 shall not be deemed to be a bonus referred to in section 248a of *The Municipal Act*. <sup>R.S.O. 1960, c. 249</sup>

Effective  
date of  
by-law

6. A by-law passed under section 1 shall be deemed to have come into force on the 1st day of January, 1961.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Town of Wallaceburg Act, 1962-63*.

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## SCHEDULE

That certain parcel or tract of land and premises situate, lying and being in the Town of Wallaceburg, in the County of Kent and Province of Ontario, and being composed of Lot No. 112 and parts of Lots Nos. 108 and 117 according to Registered Plan No. 414 of part of the said Town of Wallaceburg.



## CHAPTER 196

## An Act respecting the City of Waterloo

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Waterloo <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Agreement between The Corporation of the City of <sup>Agreement confirmed</sup> Waterloo and The Public Utilities Commission of the City of Kitchener, bearing date the 1st day of October, 1962, and set forth as the Schedule hereto, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto.

**2.** This Act shall come into force on the day it receives <sup>Commence-  
ment</sup> Royal Assent.

**3.** This Act may be cited as *The City of Waterloo Act*, <sup>Short title</sup> 1962-63.

## SCHEDULE

THIS AGREEMENT and nine counterparts made the 29th day of October, 1962.

BETWEEN:

THE CORPORATION OF THE CITY OF WATERLOO, herein called "Waterloo",

OF THE ONE PART,

— and —

THE PUBLIC UTILITIES COMMISSION OF THE CITY OF KITCHENER, herein called "the Commission",

OF THE OTHER PART.

WHEREAS under the provisions of *The City of Kitchener Act, 1946*, the Commission is empowered to construct, control, maintain, operate and manage gas systems, street railways, motor buses and trolley buses, or any of them, within the limits of the Corporation of the City of Kitchener, and to construct, control, maintain, operate and manage any extension thereof in any other municipality within the County of Waterloo with the consent of the Corporation of any such municipality; and

WHEREAS Waterloo is a municipality within the County of Waterloo; and

WHEREAS the Commission is operating motor buses and trolley buses within the limits of Waterloo under the terms of an Agreement between the parties hereto dated the 23rd day of June, 1947, which Agreement will expire on the 31st day of December, 1962; and

WHEREAS it is desirable and in the best interests of both parties hereto that the Commission should continue to operate motor buses and trolley buses within the limits of Waterloo on the terms and conditions hereinafter contained.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the mutual covenants and agreements hereinafter contained, the parties hereto covenant and agree each with the other as follows:

1. Waterloo grants to the Commission the right to use and occupy its highways for the purpose of operating motor buses and trolley buses and the construction and maintenance of works in connection therewith.

2. The Commission covenants with Waterloo to operate a public transit service by means of trolley buses along the present route established on King Street in Waterloo together with any extension thereof which the Commission may from time to time deem advisable.

3. The Commission covenants with Waterloo to operate such other public transit services by means of motor buses within the limits of Waterloo as may from time to time be requested by Waterloo, provided always that the Commission shall not be obligated to provide any such public transit services during the hours it does not operate any public transit service by means of motor buses within the limits of the Corporation of the City of Kitchener. All requests by Waterloo under the provisions of this paragraph shall be signified to the Commission by the delivery to it of certified copies of resolutions of the Council of Waterloo.

4. The fares to be charged to passengers by the Commission on all motor buses and trolley buses operated by it within the limits of Waterloo shall be as fixed from time to time by the Commission in accordance with the provisions of Section 3 (1) of *The City of Kitchener Act, 1946*. For the purpose of this section, the area within the corporate limits of the City of Kitchener and the City of Waterloo shall be considered as one transportation area and the fares, transfers and riding privileges shall be uniform throughout.

5. Subject to the right of Waterloo to request public transit services by means of motor buses as aforesaid, the Commission shall have the sole control and management of the motor buses and trolley buses operated by it within the limits of Waterloo, including, without restricting the generality, the right to decide what types of motor buses and/or trolley buses, crews, equipment, running time and stops shall be employed, in effect and used from time to time, provided always that the equipment used in Waterloo shall be of equal quality to that used by the Commission in the City of Kitchener.

6. Waterloo shall enact and keep enacted and in force by-laws providing for exclusive trolley bus stop allowances at such places as the Commission may designate having a length of up to one hundred and ten (110) feet and by-laws providing for exclusive stop allowances for motor buses at such places as the Commission may designate having a length of up to seventy-five (75) feet. In the event the Commission designates any stop allowance which does not meet with the approval of Waterloo, such disapproval shall be communicated to the Commission and, if agreement cannot be reached, the matter shall be considered a dispute and dealt with under the arbitration provisions hereinafter contained.

7. Stop allowance signs shall be erected and maintained at the cost and expense of the Commission.

8. Curb and road markings at stop allowances may be painted by the Commission.

9. Waterloo agrees to keep the surfaces of those of its streets on which the vehicles of the Commission are to be operated in good repair, to take reasonable means to keep the same clear of snow and sanded, and to provide reasonably adequate lighting therefor. If the Commission pays any sum or sums to the City of Kitchener for either clearing snow from or sanding any streets on which the vehicles of the Commission operate in the City of Kitchener, a proportionate payment on the same basis shall be made by the Commission to the City of Waterloo for clearing snow or sanding any streets on which the vehicles of the Commission operate in the City of Waterloo.

10. Waterloo agrees that it will exercise all rights within its power to ensure the Commission the exclusive right of furnishing local public transportation within the limits of Waterloo.

11. Waterloo agrees to pass such by-laws as it may be empowered to pass and to enforce the same so as to prevent the operation of other motor vehicles within the limits of Waterloo which would compete with the public transit services furnished by the Commission under the terms of this Agreement.

12. While the Commission will endeavour to maintain such public transit services as are contemplated by this Agreement, it will be under no liability to Waterloo for failure to provide the same if such failure occurs by reason of weather conditions, strike, fire, riot, or act of God.

13. The Commission covenants with Waterloo to indemnify it against all claims, damages and costs which may be made or recovered against Waterloo by reason of the operation of the public transit services contemplated by this Agreement and/or the maintenance of its works and equipment in connection with such services within the limits of Waterloo.

14. The Commission shall keep two separate accounts, one with respect to the operation of its trolley buses and the other with respect to the operation of its motor buses. Within three (3) months after the 1st day of January in each year, the Commission shall determine the profits, if any, from the operation of its trolley buses in the preceding year and the average cost per mile of operating its motor buses. The accountancy methods used in establishing such profits, if any, and such average cost per mile shall be those presently established and used by the Commission in each such division, it being understood and agreed, however,

that

that the Commission shall not include as a cost any provision for future purchases of rolling stock other than depreciation charges. In determining such profits, if any, and such average cost per mile, all operations of the Commission within the limits of Waterloo shall be included.

15. Waterloo covenants and agrees to pay to the Commission the average cost per mile of operating all motor buses which Waterloo requests be operated less the fares actually collected by the Commission on such services so requested. Such cost of operating for any year shall be computed by multiplying the motor bus mileage travelled in that year in respect of the services so requested by the average cost per mile determined for that year pursuant to paragraph 14. Payment shall be made by Waterloo monthly in the first year and thereafter until the average cost per mile has been determined for the year 1963 at the rate of 61.5c. per mile. The total of the monthly payments in any one calendar year shall be adjusted by additional payment by Waterloo or refund to Waterloo, as the case may be, after the actual costs have been determined at the end of each year. In subsequent years, the monthly payments by Waterloo shall be based on the average cost per mile during the preceding year, subject always to adjustment when the actual cost per mile for the year in question has been finally determined.

16. If the Commission in its discretion decides to operate a motor bus route partly within the limits of Kitchener and partly within the limits of Waterloo, Waterloo shall not be required to contribute the difference between the fares collected and the average cost per mile.

17. The Commission shall keep a record of the number of miles operated by its motor buses in each calendar year including such mileage operated within the limits of Waterloo and a separate record of all mileage operated by it by means of motor buses within the corporate limits of Waterloo whether on routes requested by Waterloo or on routes operated by the Commission partly in Waterloo and partly in Kitchener.

18. If the trolley bus department operates at a profit in any fiscal year, the Commission shall pay Waterloo such share of such profits as is represented by the percentage which the total number of miles over which the Commission's motor buses are operated in Waterloo (including miles operated on routes operating partly in Kitchener and partly in Waterloo) bears to the total number of miles operated in the year in question by such vehicles both inside the limits of Waterloo and outside the limits of Waterloo. In no event shall Waterloo be required to contribute to any loss which may be suffered by the Commission in the operation of its trolley buses.

19. In the event of any dispute arising between the parties hereto as to the performance or non-performance of this Agreement, the matter in dispute shall be referred to the Ontario Municipal Board and its decision shall be final and binding upon both parties hereto. Each party shall bear its own costs and expenses of any such arbitration, provided that the fees of the said Board on any such arbitration shall be borne equally by the parties hereto.

20. This Agreement shall become effective on the 1st day of January, 1963, and shall remain in full force and effect for fifteen (15) years thereafter, provided, however, that the same may be terminated by one (1) calendar year's written notice to be given at any time after, but not before, the 1st day of January, 1968.

IN WITNESS WHEREOF the corporate seal of The Corporation of the City of Waterloo has been hereunto affixed under the hands of its Mayor

and



and Clerk, and the corporate seal of The Public Utilities Commission of the City of Kitchener has been hereunto affixed under the hands of its Chairman and Secretary.

THE CORPORATION OF THE CITY  
OF WATERLOO:

JAMES S. BAUER,  
*Mayor.*

[SEAL]

D. F. PRESTON,  
*Clerk.*

THE PUBLIC UTILITIES COMMISSION  
OF THE CITY OF KITCHENER:

D. WEBER,  
*Chairman.*

[SEAL]

S. E. PRESTON,  
*Secretary.*



## CHAPTER 197

## An Act respecting the City of Windsor

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the City of Windsor <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Windsor <sup>Licensing of bankrupt- stock sales, etc.</sup> may pass by-laws for licensing and regulating special sales of goods and persons conducting such sales and for prohibiting special sales of goods without a licence, for prescribing the conditions on which licences may be issued and revoked and for revoking such licences, for fixing a fee for such licences, for appointing inspectors and for providing for the inspection of such goods, and for defining "special sales" for the purposes of any such by-law.

(2) A by-law under this section does not apply to a sale <sup>Application</sup> by or under the authority of,

- (a) a receiver or trustee under the *Bankruptcy Act* <sup>R.S.C. 1952, cc. 14, 296</sup> (Canada) or a liquidator under the *Winding-up Act* (Canada); or
- (b) a court or a receiver appointed by a court; or
- (c) a bailiff, sheriff, executor or administrator; or
- (d) a receiver, liquidator or trustee under any general or special Act.

(3) A by-law under this section may provide for imposing <sup>Power to impose</sup> fines of not more than \$300, exclusive of costs, on every <sup>fines</sup> person who contravenes such by-law, and every such fine is recoverable under *The Summary Convictions Act*, all the <sup>R.S.O. 1960, c. 387</sup> provisions of which apply.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The City of Windsor Act, 1962-63*.



## CHAPTER 198

**An Act respecting the  
Esther Taylor Wood Trust and  
the John Taylor Evans Memorial Trust**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS Herbert James Walker Taylor, of the Preamble  
Village of Cheltenham, in the County of Peel, gentleman, by his petition has represented that,

- (a) by trust deed, dated the 11th day of November, 1954, and registered in the registry office for the Registry Division of the County of Peel on the 23rd day of November, 1954, as Instrument No. 23281 for Chinguacousy, he voluntarily granted and conveyed to Ruth Evans, James F. Evans and Mabel May Taylor the lands and premises described in Schedule A hereto upon the trusts therein set forth, to be known as the John Taylor Evans Memorial Trust, the purpose of which was to perpetuate the memory of Flying Officer John Taylor Evans, a nephew of the petitioner; and
- (b) by trust deed, dated the 12th day of November, 1954, and registered in the registry office for the Registry Division of the County of Peel on the 29th day of November, 1954, as Instrument No. 23318 for Chinguacousy, he voluntarily granted and conveyed to Peter Smith Bessey and Mabel May Taylor the lands and premises described in Schedule B hereto upon the trusts therein set forth, to be known as the Esther Taylor Wood Trust, the purpose of which was to perpetuate the memory of the parents of the petitioner,

that the aforementioned trustees have not accepted the trusts respectively attached to the lands and premises conveyed to them, that The Corporation of the Township of Chinguacousy has refused to accept a conveyance of such lands and premises, that Harry Frazer has renounced in favour of the petitioner

any

any interest he may now or hereafter have in such lands, that it is impracticable to achieve by the deeds of trust the purposes of the trust and that the petitioner has decided to achieve the purposes of the trustees otherwise; and whereas the petitioner has prayed for special legislation declaring the trust deeds void and the lands and premises therein described to be and to have been at all times since the execution of the trust deeds vested in the petitioner free of such trusts, and absolving the trustees from any duties, responsibilities or liabilities imposed upon them by such trust deeds; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Trust deed  
set aside

1.—(1) The John Taylor Evans Memorial Trust deed dated the 11th day of November, 1954, is hereby set aside and declared to be void for all intents and purposes, and the lands and premises therein described are declared to be and to have been at all times since the 11th day of November, 1954, vested in Herbert James Walker Taylor free from any of the trusts set out in the trust deed.

Trustees  
discharged

(2) The trustees of the John Taylor Evans Memorial Trust are hereby discharged of and from all duties, responsibilities and liabilities to which they may have become subject by virtue of such trust deed.

Trust deed  
set aside

2.—(1) The Esther Taylor Wood Trust deed dated the 12th day of November, 1954, is hereby set aside and declared to be void for all intents and purposes, and the lands and premises therein described are declared to be and to have been at all times since the 12th day of November, 1954, vested in Herbert James Walker Taylor free from any of the trusts set out in such trust deed.

Trustees  
discharged

(2) The trustees of the Esther Taylor Wood Trust are hereby discharged of and from all duties, responsibilities and liabilities to which they may have become subject by virtue of such trust deed.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Esther Taylor Wood Trust and the John Taylor Evans Memorial Trust Act, 1962-63*.

## SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Chinguacousy, in the County of Peel, containing one acre more or less, and being composed of that part of the East Half of Lot Thirty-two (32) in the Fifth Concession, west of Hurontario Street, in the said Township of Chinguacousy, more particularly described as follows:

COMMENCING at a point in the dividing line between Township Lots 31 and 32 distant 980 feet south-westerly from the most easterly angle of the said Township Lot 32;

THENCE north-westerly parallel with the Concession lines a distance of 200 feet;

THENCE south-westerly parallel with the lot lines, a distance of 218 feet;

THENCE south-easterly parallel with the Concession lines a distance of 200 feet to the point of intersection with the dividing line between said Township Lots 31 and 32;

THENCE north-easterly along the said dividing line a distance of 218 feet to the place of beginning;

TOGETHER with a right-of-way for all persons entitled thereto from the public road known as the Fourth Concession Road, which said right-of-way is described as follows:

COMMENCING at a point in the north-easterly limit of said Township Lot 32 (the road line) distant 200 feet north-westerly from the most easterly angle of the said Lot;

THENCE south-westerly parallel with the dividing line between said Township Lots 31 and 32 a distance of 1,265 feet;

THENCE north-westerly parallel with the Concession lines a distance of 67 feet;

THENCE north-easterly parallel with the lot lines a distance of 1,265 feet to the place of intersection with the easterly limits of the said Township Lot (the road line);

THENCE south-easterly along the said limit or road line a distance of 67 feet, more or less, to the place of beginning.

## SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Chinguacousy, in the County of Peel, containing 10.6 acres, more or less, and being composed of part of the East Half of Lot Thirty-two (32) in the Fifth Concession, west of Hurontario Street, in the said Township of Chinguacousy, described as follows:

COMMENCING at a point in the dividing line between Lots 31 and 32 distant 1,265 feet south-westerly from the most easterly angle of said Lot 32; Thence north-westerly parallel with the Concession lines a distance of 495 feet; Thence south-westerly parallel with the Lot lines a distance of 935 feet to the point of intersection with the south-westerly limits of the said half lot, the centre line of the Concession; Thence south-easterly along said dividing line a distance of 495 feet to the most southerly angle of said half lot; Thence north-easterly along the dividing line between Lots 31 and 32 a distance of 935 feet to the place of beginning; and

*Secondly:*

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Chinguacousy, in the County of Peel, containing seven acres more or less and being composed of part of the West Half of Lot 32 in the Fifth Concession, in the Township of Chinguacousy, now known as Lots 5 and 8 according to the registered Plan of part of the said half lot together with the road lines designated "Maple Street" between said Lots 5 and 8, together with a right-of-way for all persons entitled thereto from the public road known as the Fourth Concession Road, which said right-of-way is described as follows:

COMMENCING at a point in the north-easterly limit of said Township Lot 32 (the road line) distant 200 feet north-westerly from the most easterly angle of the said lot; Thence south-westerly parallel with the dividing line between said Township Lots 31 and 32 a distance of 1,265 feet; Thence north-westerly parallel with the Concession lines a distance of 67 feet; Thence north-easterly parallel with the lot lines a distance of 1,265 feet to the place of intersection with the easterly limits of the said Township Lot (the road line); Thence south-easterly along the said Lot limit or road line a distance of 67 feet, more or less to the place of beginning.



## CHAPTER 199

## An Act respecting the Township of York

*Assented to April 3rd, 1963*  
*Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Township of York <sup>Preamble</sup>  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Notwithstanding any general or special Act, the council <sup>Composition</sup>  
of the Township of York may by by-law provide that such <sup>of</sup> council  
council shall be composed of a reeve and deputy reeve, each  
to be elected by general vote, and two councillors to be elected  
for each ward.

**2.—(1)** Notwithstanding section 31 of *The Municipal Act*, <sup>Time of</sup>  
a by-law, for the purpose mentioned in section 1, may be <sup>passing</sup>  
passed at any time before the 1st day of November in any <sup>by-law</sup>  
year and does not require the assent of the municipal electors.

**(2)** Subsections 5 and 8 of section 31 of *The Municipal Act* <sup>Application</sup>  
apply *mutatis mutandis* to this Act. <sup>of R.S.O.</sup>  
1960, c. 249

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**4.** This Act may be cited as *The Township of York Act*, <sup>Short title</sup>  
1962-63.



## CHAPTER 200

## An Act respecting the Township of York

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS The Corporation of the Township of York <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Township of York may pass by-laws, <sup>Grants.</sup>

- (a) for making grants or gifts to persons in recognition <sup>for</sup> of outstanding scholastic achievements; <sup>scholastic achievements</sup>
- (b) for making grants, not to exceed in the aggregate <sup>for works</sup> \$1,000 in any one year, to institutions, associations <sup>advan-</sup> and persons carrying on or engaged in works that in <sup>tageous to</sup> the opinion of the council are for the general advan- <sup>the</sup> tage of the inhabitants of the Township of York. <sup>Township</sup>

2.—(1) In this section, “dwelling” means any building, <sup>Interpre-</sup> part of a building, tent, trailer or other covering or structure <sup>tation</sup> and the contents thereof, the whole or any portion of which has been used, is used or is capable of being used for the purposes of human habitation, with the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

(2) Upon the expiration of one year following the closing <sup>Order for</sup> of any dwelling pursuant to section 99 of *The Public Health* <sup>demolition</sup> <sup>of dwelling</sup> <sup>R.S.O. 1960,</sup> <sup>c. 321</sup> *Act* as unfit for human habitation or dangerous to health and upon the report of the medical officer of health that such dwelling is unfit for human habitation or dangerous to health, the council of the Township of York may, by by-law passed at any general meeting thereof by a vote of three-fourths of all the members of the council, order the removal or demolition of such dwelling, and the cleaning and clearing of the lands and premises appurtenant thereto.

Notice of  
by-law

(3) Notice of the by-law shall be registered in the Registry Office for the Registry Division of the East and West Ridings of the County of York and notice shall thereafter be served upon the owner, the mortgagee and any other encumbrancer appearing on the registered title and upon any execution creditor appearing on the records of the sheriff's office, and the owner, mortgagee, encumbrancer or execution creditor has the right to appeal to a judge of the County Court of the County of York from the decision of the council to remove or demolish a dwelling by written notice of appeal delivered to the clerk of the Township of York within thirty days after the date of service of the notice of the by-law.

Contents  
of notice

(4) The notice of the by-law shall include a copy of the by-law and shall set out the method and time for appealing from the decision of the council of the Township of York.

Power of  
township  
engineer to  
carry out  
order

(5) Unless notice of an appeal is received by the clerk of the Township of York within the time stated in subsection 3, the decision of the council of the Township of York to remove or demolish the dwelling, and clean and clear the lands appurtenant thereto, may be carried out forthwith by the township engineer on behalf of the Township, and for this purpose the Township with its servants and agents may from time to time enter upon the lands of the owner, and the Corporation is not liable to compensate the owner or any other person by reason of anything done by or on behalf of the Township of York under the authority of this section.

## Lien

(6) The Township of York has a lien for the amount expended by or on behalf of the Township in carrying out the decision of the council to remove or demolish the dwelling, and to clean and clear the lands appurtenant thereto, and the certificate of the clerk of the Township as to the amount so expended is final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

Hearing  
of appeal

(7) If the decision of the council of the Township of York is appealed, the clerk of the Township of York shall obtain an appointment for a hearing before a judge of the County Court of the County of York and shall give notice thereof by such means and to such persons as the judge may require.

Order of  
judge

(8) After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Township of York and dismiss the appeal, in which case the Township may proceed forthwith to remove or demolish the dwelling, and clean and clear the lands appurtenant thereto, or the judge may make such other order as he deems advisable under the circumstances.



3.—(1) Subject to the approval of the Department of Transport, the council of the Township of York may by <sup>Night-time parking on Township streets</sup> by-law,

- (a) allow the parking of motor vehicles, excluding trucks and vehicles used for hire, on designated public highways or parts of highways within and under the jurisdiction of the Township of York during specified night-time hours to the owners of such vehicles pursuant to permits issued by an official named in the by-law;
- (b) charge such fee as the council may decide for the privilege of parking for such periods and during such times as the by-law provides;
- (c) provide for cancelling the permits and refunding the unexpired portion of the fees;
- (d) prohibit the parking of all motor vehicles on such designated public highways or parts of highways within the Township during such specified night-time hours except with a permit issued pursuant to the by-law.

(2) No by-law passed under this section shall apply to any highway or part of a highway except upon a petition of two-thirds of all the persons who at the date of the petition were municipal electors in respect of the land abutting on the highway or the part of the highway.

(3) The net revenue derived from the operation of such night-time parking shall be paid into a reserve fund and applied as set out in clause f of paragraph 67 of section 377 of *The Municipal Act*.

R.S.O. 1960,  
c. 249

(4) A by-law under this section may provide a procedure for the voluntary payment of penalties in cases where it is alleged that the parking provisions of the by-law have been contravened, and the owner of the motor vehicle shall incur the penalties provided for any violation unless, at the time of the violation, the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent.

Enforce-  
ment

(5) Part XXI of *The Municipal Act* applies to a by-law under this section.

Application  
of R.S.O.  
1960, c. 249

4.—(1) The council of the Township of York may pass by-laws for regulating the crossing of curbs, sidewalks or paved boulevards by vehicles delivering materials to or removing

Charges for  
damage to  
sidewalks,  
etc.

materials from abutting lands on which any building is being erected, altered or repaired, and for requiring the owners of such abutting lands, upon any application for the issuing of a permit certifying to the approval of plans of buildings to be erected, altered or repaired thereon, to pay to the Township a sum of money not to exceed \$5 per foot of the limit of the lot abutting directly on such sidewalk, curbing or paved boulevard as a deposit to meet the cost of repairing any damage to the sidewalk, curbing or paved boulevard caused by the crossing thereof by such vehicles.

**Refund**

(2) Where a by-law passed under this section requires the payment of a deposit to cover the cost of damage to a sidewalk, curbing or paved boulevard, the by-law shall provide that, upon the completion of the erection, alteration or repair of the building or buildings on the lands abutting such sidewalk, curbing or paved boulevard and upon application by the person by whom the deposit was paid, the amount by which the sum deposited exceeds the cost of such repairs shall forthwith be refunded.

**Disposition  
of  
unclaimed  
moneys**

(3) Where any moneys heretofore or hereafter paid to the Township of York to cover the cost of repairs to curbings, sidewalks or paved boulevards remain unclaimed in the hands of the treasurer of the Township of York for a period of six years, the treasurer of the Township may insert in any newspaper published in the City of Toronto and having general circulation in the Township of York a notice containing a list of such unclaimed moneys and stating that all persons having any claim to any of such moneys are required to prove their claims within ninety days from the publication of the notice, and, upon the expiration of ninety days from the publication of such notice, the treasurer of the Township may transfer all of such moneys against which no claim has been made to the general funds of the Township free of and from any and all claims of any kind whatsoever.

**Commence-  
ment**

**5.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**6.** This Act may be cited as *The Township of York Act, 1962-63 (No. 2)*.

## CHAPTER 201

**An Act respecting the Young Men's Christian Association-Young Women's Christian Association of Cobourg, Ontario**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS the Young Men's Christian Association-<sup>Preamble</sup>  
Young Women's Christian Association of Cobourg,  
Ontario, herein called the Association, by its petition has  
represented that it was incorporated by letters patent on the  
12th day of January, 1956, and has acquired certain lands  
that have been assessed and taxed by The Corporation of the  
Town of Cobourg; and whereas the petitioner has prayed for  
special legislation to exempt its real property, owned and  
used or occupied and used by it in the Town of Cobourg,  
from municipal taxation, except for local improvement rates;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The council of The Corporation of the Town of Cobourg <sup>Tax exemption authorized</sup>  
may pass by-laws exempting from taxation for municipal or  
school purposes, or both, other than local improvement rates,  
the land, as defined in *The Assessment Act*, of the Young <sup>R.S.O. 1960, c. 23</sup>  
Men's Christian Association-Young Women's Christian  
Association of Cobourg, Ontario, provided that the land is  
owned and used or occupied and used solely by and for the  
purposes of the Association, on such conditions as may be  
set out in the by-law.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
Assent.

**3.** This Act may be cited as *The Y.M.C.A.-Y.W.C.A. of* <sup>Short title</sup>  
*Cobourg Act, 1962-63.*





## CHAPTER 202

**An Act respecting the Young Men's and Young Women's Christian Association of Guelph**

*Assented to April 3rd, 1963  
Session Prorogued April 26th, 1963*

**W**HEREAS the Young Men's and Young Women's <sup>Preamble</sup> Christian Association of Guelph, herein called the Association, by its petition has represented that it appears that the real property owned and used by the petitioner was not, before the 1st day of January, 1962, assessed and taxed by the City of Guelph and that since that date such real property, in part, has been assessed and taxed; and whereas the petitioner has prayed for special legislation to exempt its real property, owned and used or occupied and used by it in the City of Guelph, from municipal taxation, except for local improvement rates; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of The Corporation of the City of Guelph <sup>Tax exemption authorized</sup> may pass by-laws exempting from taxes for municipal or school purposes, or both, other than local improvement rates, the land, as defined in *The Assessment Act*, of the Young <sup>R.S.O. 1960, c. 23</sup> Men's and Young Women's Christian Association of Guelph, provided that the land is owned and used or occupied and used solely by and for the purposes of the Association, on such conditions as may be set out in the by-law.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

**3.** This Act may be cited as *The Y.M.-Y.W.C.A. of Guelph* <sup>Short title</sup> *Act, 1962-63.*



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ENERGY AMENDMENT ACT: 1960-61, c. 23 (1st May, 1961).

EXPROPRIATION PROCEDURES ACT: 1962-63, c. 43 (1st January, 1964).

FEDERATED COLLEGES OF THE DEPARTMENT OF AGRICULTURE ACT: 1961-62, c. 42 (14th June, 1962).

GAME AND FISH ACT: 1961-62, c. 48 (1st June, 1963).

GAME AND FISH AMENDMENT ACT: 1962-63, c. 48 (1st June, 1963).

GENERAL SESSIONS AMENDMENT ACT: 1961-62, c. 50 (14th September, 1962).

GENERAL WELFARE ASSISTANCE AMENDMENT ACT: 1962-63, c. 53 (1st January, 1963).

HORTICULTURAL SOCIETIES AMENDMENT ACT: 1961-62, c. 54 (30th May, 1962).

HYPNOSIS ACT: 1960-61, c. 38 (15th November, 1961).

INSURANCE AMENDMENT ACT: 1961-62, c. 63, ss. 1, 2, 3, 4 and 7 (1st July, 1962).

JUDICATURE AMENDMENT ACT: 1961-62, c. 65, s. 3 (14th September, 1962).

JURORS AMENDMENT ACT: 1955, c. 37, ss. 8 (1), 11, 14 and 15—but see R.S.O. 1960, c. 199, s. 106 (1st January, 1961).

LABOUR RELATIONS AMENDMENT ACT: 1961-62, c. 68, ss. 1 (1), 2, 8, 10 and 16 (2nd August, 1962).

LIQUOR CONTROL AMENDMENT ACT: 1960-61, c. 47 (19th January, 1961).

LOAN AND TRUST CORPORATIONS AMENDMENT ACT: 1960-61, c. 48, ss. 3 and 4 (15th August, 1961).

MILK INDUSTRY AMENDMENT ACT: 1960-61, c. 56 (30th January, 1962).

MOTHERS' AND DEPENDENT CHILDREN'S ALLOWANCES AMENDMENT ACT: 1962-63, c. 86 (1st January, 1963).

NURSES ACT: 1961-62, c. 90 (1st January, 1963).

ONTARIO HUMAN RIGHTS CODE: 1961-62, c. 93 (15th June, 1962).

OPHTHALMIC DISPENSERS ACT: 1960-61, c. 72 (8th December, 1961).

OPTOMETRY ACT: 1961-62, c. 101 (19th January, 1963).

PENSION BENEFITS ACT: 1962-63, c. 103 (1st June, 1963).

PUBLIC ACCOUNTANCY AMENDMENT ACT: 1961-62, c. 113<sup>a</sup> (15th June, 1962).

PUBLIC WORKS CREDITORS PAYMENT ACT: 1962-63, c. 121 (1st September, 1963).

REAL ESTATE AND BUSINESS BROKERS AMENDMENT ACT: 1962-63, c. 123, s. 24 (1st July, 1963).

SECURITIES AMENDMENT ACT: 1962-63, c. 131 (1st July, 1963).

SURROGATE COURTS AMENDMENT ACT: 1961-62, c. 136 (14th September, 1963).

## B

ACTS AND PARTS OF ACTS NOT PROCLAIMED  
AS OF JULY 20th, 1963

APPROVED IMPARTIAL REFEREES AND ARBITRATORS ACT: 1961-62, c. 5.

CHARITABLE INSTITUTIONS ACT: 1962-63, c. 11.

CHILDREN'S INSTITUTIONS ACT: 1962-63, c. 14.

CONDITIONAL SALES AMENDMENT ACT: 1962-63, c. 18.

CORPORATIONS AMENDMENT ACT: 1961-62, c. 21, s. 4.

CUSTODY OF DOCUMENTS AMENDMENT ACT: 1962-63, c. 30.

DISTRICT WELFARE ADMINISTRATION BOARDS ACT: 1962-63, c. 37.

EXECUTION AMENDMENT ACT: 1962-63, c. 42.

HOMES FOR RETARDED CHILDREN ACT: 1962-63, c. 57.

INSURANCE ACT: R.S.O. 1960, c. 190, ss. 337, 338 and 339.

INSURANCE AMENDMENT ACT: 1962-63, c. 64, s. 1.

INVESTIGATION OF TITLES AMENDMENT ACT: 1962-63, c. 65.

LOGGERS' SAFETY ACT: 1962-63, c. 76.

MEAT INSPECTION ACT (Ontario): 1962-63, c. 78.

MECHANICS' LIEN AMENDMENT ACT: 1962-63, c. 79.

MINING ACT: R.S.O. 1960, c. 241, s. 164 (1961-62, c. 81, s. 1) (application to certain parts of Ontario).

MINING TAX AMENDMENT ACT: 1959, c. 61—*but see* R.S.O. 1960, c. 242, s. 34.

MORTGAGES AMENDMENT ACT: 1961-62, c. 83.

OLEOMARGARINE AMENDMENT ACT: 1962-63, c. 93, ss. 2 and 3.

PARTNERSHIPS REGISTRATION AMENDMENT ACT: 1962-63, c. 102.

POLICE AMENDMENT ACT: 1961-62, c. 105, ss. 3 and 4.

RADIOLOGICAL TECHNICIANS ACT: 1962-63, c. 122.

REGISTRY AMENDMENT ACT: 1961-62, c. 124; 1962-63, c. 124, ss. 3, 5, 6, 11-16, 19-22, 26-29, 35, 36, 41 and 50.

RYERSON POLYTECHNICAL INSTITUTE ACT: 1962-63, c. 128.













































